

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 IN RE: NATIONAL )  
5 PRESCRIPTION ) MDL No. 2804  
6 OPIATE LITIGATION )  
7 ) Case No.  
8 ) 1:17-MD-2804  
9 )  
10 THIS DOCUMENT RELATES ) Hon. Dan A.  
11 TO ALL CASES ) Polster  
12 )

13 MONDAY, APRIL 1, 2019

14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
15 CONFIDENTIALITY REVIEW

16 - - -

17 Videotaped deposition of Kathe A.  
18 Sackler, M.D., held at the offices of DEBEVOISE  
19 & PLIMPTON LLP, 919 Third Avenue, New York,  
20 New York, commencing at 11:02 a.m., on the  
21 above date, before Carrie A. Campbell,  
22 Registered Diplomat Reporter, Certified  
23 and Realtime Reporter.

24 - - -

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Page 12

1 DIRECT EXAMINATION  
 2 QUESTIONS BY MR. HANLY:  
 3 Q. You are Kathe Sackler?  
 4 A. I am.  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
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 16  
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 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25 A. That's an office which is --

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1 VIDEOGRAPHER: We are now on  
 2 the record.  
 3 My name is Henry Marte. I'm a  
 4 videographer with Golkow Litigation  
 5 Services.  
 6 Today's date is April 1, 2019,  
 7 and the time is 11:02 a.m.  
 8 This videotaped deposition is  
 9 being at 919 Third Avenue, New York,  
 10 New York, in the matter of National  
 11 Prescription Opiate Litigation.  
 12 The deponent today is Kathe  
 13 Sackler.  
 14 All appearances are noted on  
 15 the stenographic record.  
 16 Will the court reporter please  
 17 administer the oath to the witness.  
 18  
 19 KATHE A. SACKLER, M.D.,  
 20 of lawful age, having been first duly sworn  
 21 to tell the truth, the whole truth and  
 22 nothing but the truth, deposes and says on  
 23 behalf of the Plaintiffs, as follows:  
 24 VIDEOGRAPHER: You may begin.  
 25

Page 13

1 was my father and my uncle's offices  
 2 originally, and it also houses the Sackler  
 3 School of Medicine for Tel Aviv University.  
 4 They're tenants there. And it also has other  
 5 tenants there, including several foundations,  
 6 family offices.  
 7  
 8  
 9 A. Oh, I was describing the two  
 10 buildings because they're connected. They  
 11 function as one --  
 12 Q. All right.  
 13 A. -- structure.  
 14  
 15  
 16  
 17  
 18  
 19 A. Yes. She has a foundation  
 20 which is a center for child development.  
 21 Q. All right.  
 22 A. Which is, I think, about  
 23 30 years old now. It's been a long time.  
 24  
 25

Page 14

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 Q. What is the [REDACTED]  
10 Foundation?  
11 A. That's a private foundation  
12 which [REDACTED] and I created in -- I don't  
13 remember -- about -- I'm trying to think what  
14 year. It's about -- I guess it's about  
15 11 years or so, 12 years. I don't remember  
16 the exact year, but about 11, 12 years ago I  
17 created, or thereabouts, a private foundation  
18 to use, to establish, to do philanthropic  
19 donations through. And I thought also to  
20 organize -- I thought it would be a nice  
21 thing to establish a private foundation that  
22 would be intergenerational that my children  
23 would learn about supporting nonprofit causes  
24 and doing community service, which they did  
25 in school, always, and even out of school.

Page 15

1 I've always been very  
2 community-service- oriented. So it was very  
3 natural for me to create a foundation and  
4 for -- to introduce my children, [REDACTED] and my  
5 children, to that concept.  
6 I guess I grew up also with my  
7 parents having foundations that they  
8 contributed through to different social  
9 causes and community service causes.  
10 Q. What are the causes that the  
11 [REDACTED] Foundation has contributed to?  
12 A. Oh, that's a long list.  
13 Q. Well, just give us some  
14 examples.  
15 A. Sure.  
16 Save the Children is one  
17 organization that the foundation has  
18 supported.  
19 Doctors Without Borders is  
20 another foundation.  
21 The YMCA summer camp program  
22 in -- in Connecticut near where we live is  
23 another recipient.  
24 The children -- I don't have  
25 the title exactly, but it's an organization

Page 16

1 for children in crisis in Connecticut's --  
2 Fairfield County, Connecticut, that area,  
3 including Bridgeport and -- I think it goes  
4 up to about New Haven. We've supported that  
5 organization for a number of years.  
6 There's an organization that  
7 supports -- helps with homelessness. That's  
8 another organization we support in  
9 Connecticut where we live.  
10 There's another organization  
11 that -- I'm trying to think of the -- also  
12 some academic institutions. We've supported  
13 Brown University, Brown University in Rhode  
14 Island, that's one. NYU here in New York.  
15 Silver Hill Hospital, which is a very  
16 interesting inpatient/outpatient research and  
17 clinical facility. Most of their patient  
18 population are adolescents.  
19 Q. Let me interrupt you, if I may.  
20 Silver Hill, that's an  
21 addiction treatment center in Connecticut --  
22 A. Yes.  
23 Q. -- is it not?  
24 A. It does. It focuses on  
25 addiction treatment and other -- and other

Page 17

1 diagnoses as well.  
2 Q. And did you ever sit on the  
3 board of Silver Hill Hospital?  
4 A. No. No.  
5 Q. You graduated from NYU  
6 undergraduate in 1980, true?  
7 A. Correct.  
8 Q. And from the NYU medical  
9 school --  
10 A. Yes.  
11 Q. -- in 1984?  
12 A. Yes.  
13 Q. You then engaged in a surgical  
14 residency for approximately one year, true?  
15 A. Two years, yeah.  
16 Q. Two years?  
17 A. Yeah.  
18 Q. All right.  
19 A. I think it was about two years.  
20 Q. And after that, you went to  
21 work -- withdrawn.  
22 Your activities after that  
23 related to what was then called the Purdue  
24 Frederick Company, true?  
25 MS. MONAGHAN: Object to the



Page 18

1 form.  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 QUESTIONS BY MR. HANLY:  
11 Q. And then you went to work or  
12 began to be involved with the Purdue  
13 Frederick Company, as it was then known; is  
14 that true?  
15 MS. MONAGHAN: Object to the  
16 form.  
17 THE WITNESS: I actually --  
18 it's not the total picture. It's part  
19 of the truth.  
20 I actually worked for the  
21 Purdue Frederick Company, but I also  
22 worked for several other companies as  
23 well.  
24 QUESTIONS BY MR. HANLY:  
25 Q. Other companies owned by the

Page 19

1 Sackler family?  
2 A. Yes. Yes.  
3 MS. MONAGHAN: I'm going to  
4 register a belated objection to form  
5 to that one. I didn't get to speak  
6 fast enough. Sorry.  
7 (Purdue-Sackler Exhibit 1  
8 marked for identification.)  
9 MR. HANLY: Place before the  
10 witness Exhibit 1 to the deposition.  
11 Ms. Monaghan, if you could  
12 slide that to her. Thank you.  
13 QUESTIONS BY MR. HANLY:  
14 Q. Ms. Sackler, we've placed  
15 Exhibit 1 before you, which comes from the  
16 website of the New York Academy of Sciences,  
17 and it purports to set forth a partial  
18 biography of you.  
19 Do you see that, sir -- ma'am?  
20 A. Yes.  
21 Q. All right. Are you presently  
22 on the board of governors of the New York  
23 Academy of Sciences?  
24 A. Yes.  
25 Q. What is the New York Academy of

Page 20

1 Sciences?  
2 A. It's a very interesting  
3 institution. It's been around for a long  
4 time. It's one of the oldest medical  
5 organizations in the country, I think.  
6 But it is a -- it's a nonprofit  
7 organization which works to provide  
8 educational -- it convenes meetings and  
9 symposiums and conferences for physicians and  
10 other people who work in -- not only  
11 physicians, but scientists, physicians,  
12 people who work in health care, people who  
13 work in related areas. But it -- it also  
14 includes people who are involved in medical,  
15 public health policy. It includes people who  
16 work -- who work in corporate organizations  
17 that are focused on one of the science or  
18 medical issues that they are involved with.  
19 And they also have a number of  
20 initiatives that convey -- that offer  
21 research grants in a couple of different  
22 areas that they're focused on right now.  
23 That's -- it's -- it's a  
24 very -- it's a very thoughtful and  
25 well-intentioned organization that I think

Page 21

1 really does do some good, some significant  
2 contri --  
3 Q. Contributions?  
4 A. Yeah, they're...  
5 Q. Have you finished your answer?  
6 A. Yeah, sure.  
7 Q. Thanks.  
8 Did you prepare this bio for  
9 the New York Academy of Sciences?  
10 A. I don't know exactly because,  
11 you know, I -- we're asked to submit  
12 something and then they choose what they want  
13 to publish. So I'm not certain it's what I  
14 prepared, but it's close.  
15 Q. Well, if you look at -- sorry.  
16 If you look at the center of  
17 highlighted section Philanthropy and  
18 Foundation Work.  
19 Do you see that?  
20 A. Yeah.  
21 Q. And it actually lists the  
22 various entities that you have some  
23 association with in that section of the bio;  
24 isn't that true?  
25 A. Yes. Sure.

Page 22

1 Q. And it has the names of those  
2 entities, correct?  
3 A. Correct.  
4 Q. But under Professional Work, it  
5 doesn't reference by name any particular  
6 company or institution, does it?  
7 MS. MONAGHAN: Object to the  
8 form.  
9 THE WITNESS: No.  
10 QUESTIONS BY MR. HANLY:  
11 Q. And what that section,  
12 Professional Work, does refer to, however, is  
13 your work for the various Purdue entities,  
14 correct?  
15 MS. MONAGHAN: Object to the  
16 form.  
17 THE WITNESS: No.  
18 QUESTIONS BY MR. HANLY:  
19 Q. What is -- withdrawn.  
20 The International Group of  
21 Independent Associated Pharmaceutical  
22 Companies includes the Purdue entities; does  
23 it not?  
24 A. Yes.  
25 Q. It includes --

Page 23

1 A. Other entities that are  
2 separate, independent, legal entities  
3 unrelated to Purdue.  
4 Q. Well --  
5 A. They're -- well, they're  
6 described as it's described here:  
7 independent associated companies.  
8 Q. And that -- those would --  
9 A. Yes.  
10 Q. Those would include  
11 Mundipharma; is that right?  
12 A. There are a lot of  
13 Mundipharmas. I'm not sure which Mundipharma  
14 you're referring to.  
15 Q. Well, it would refer all --  
16 A. There are a number -- it  
17 wouldn't include every Mundipharma. It would  
18 include some of the companies carrying the  
19 name Mundipharma.  
20 Q. And it would include Purdue --  
21 entities with the name Purdue in the title?  
22 A. Not all of them. Only -- not  
23 all of them.  
24 Q. Does the International Group of  
25 Independent Associated Pharmaceutical

Page 24

1 Companies include any companies not owned  
2 directly or indirectly by the Sackler family?  
3 A. Yes, some of them are  
4 partnerships. Some of them are jointly owned  
5 by the Sackler family and other persons who  
6 are not Sacklers.  
7 Q. All of the entities within the  
8 International Group of Independent Associated  
9 Pharmaceutical Companies are in whole or in  
10 part owned by the Sackler family?  
11 A. Yes.  
12 MS. MONAGHAN: Objection.  
13 QUESTIONS BY MR. HANLY:  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 Q. And is that your residence?

Page 25

1 A. No, not currently. It was my  
2 residence at one time.  
3 Q. All right. And you also had  
4 some sort of an office there; isn't that  
5 true?  
6 A. No.  
7 Q. You never had an office there?  
8 A. No.  
9 I'm not sure what you mean by  
10 "an office," but not a proper office, no.  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 MS. MONAGHAN: Special Master,  
5 could I ask whether there's going to  
6 be some relevance to these questions?  
7 I didn't want to object  
8 unnecessarily, but I'm not sure I  
9 quite understand what the purpose of  
10 these questions is.  
11 SPECIAL MASTER COHEN: Well,  
12 I'm not going to rule on relevance  
13 objections at this time unless they go  
14 completely afield. I assume that  
15 Mr. Farrell will tie it in, and of  
16 course right now this has nothing to  
17 do with admissibility, so that's when  
18 that would get raised.  
19 MS. MONAGHAN: Okay.  
20 MR. HANLY: Special Master, I  
21 think you misspoke. I'm Hanly.  
22 SPECIAL MASTER COHEN: Oh, I'm  
23 sorry. What did I say? Farrell?  
24 MR. HANLY: Farrell.  
25 SPECIAL MASTER COHEN: I

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1 apologize for the insult.  
2 MR. HANLY: It's not -- I  
3 didn't take it that way.  
4 MS. MONAGHAN: I was going to  
5 object to every question thereafter on  
6 the grounds that there was an error on  
7 the questioner name.  
8 QUESTIONS BY MR. HANLY:  
9 Q. Dr. Sackler?  
10 A. Yes, sir.  
11 Q. Is [REDACTED] an employee of any  
12 of the Purdue companies at the present time?  
13 A. No, not at the present time.  
14 Q. She was at one time; is that  
15 true?  
16 A. She for a -- at one time I  
17 think she was a consultant for a very short  
18 time. In a very minor way.  
19 Q. Now, sometime after 1985 you  
20 began to do work for the Purdue Frederick  
21 Company; is that correct?  
22 MS. MONAGHAN: Object to the  
23 form.  
24 THE WITNESS: I answer --  
25

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1 QUESTIONS BY MR. HANLY:  
2 Q. Do you understand the question?  
3 A. Yeah. Yeah. I'm not sure  
4 whether -- okay.  
5 Q. When she --  
6 A. When there's an objection, I  
7 just wait and then answer?  
8 Q. Yes. If she instructs you not  
9 to answer, then you won't answer.  
10 A. Okay.  
11 Q. Otherwise, you can answer my  
12 question.  
13 A. Yes.  
14 (Purdue-Sackler Exhibit 2  
15 marked for identification.)  
16 QUESTIONS BY MR. HANLY:  
17 Q. All right. Marked as Exhibit 2  
18 a memorandum from Dr. Kathe Sackler to a  
19 Dr. Ronald Miller dated January 26, 1987.  
20 Will you have a look at that?  
21 MS. MONAGHAN: Do you have  
22 copies for counsel?  
23 THE WITNESS: (Witness  
24 complies.)  
25

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1 QUESTIONS BY MR. HANLY:  
2 Q. Is that a memorandum that you  
3 prepared and sent to a Dr. Ronald Miller?  
4 A. I can't remember doing that,  
5 but it has my name on it.  
6 Q. And --  
7 A. So it's possible.  
8 Q. And it reads, does it not, "We  
9 have" -- "Dear Ron, we have just completed at  
10 Purdue Frederick the final drafting of the  
11 MS-Contin tablet's dosing protocol which I am  
12 herein enclosing."  
13 Do you see that?  
14 A. Yes.  
15 Q. All right. So is it true that  
16 you were involved in January of 1987 with  
17 drafting the MS-Contin tablet's dosing  
18 protocol?  
19 MR. CHEFFO: Objection. Form.  
20 THE WITNESS: I don't think so.  
21 I think it's the colloquial  
22 "we." It's the -- meaning the  
23 organization, not meaning me as an  
24 author.  
25 But I can tell you that I -- I



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1 don't -- this is 32 years ago you're  
 2 asking about. I don't think I would  
 3 have been -- I mean, even -- it's -- I  
 4 don't think I was the person who would  
 5 write the protocol, no.  
 6 QUESTIONS BY MR. HANLY:  
 7 Q. Well, you didn't have any  
 8 training as of January of 1987 in writing --  
 9 A. I wouldn't even write it today.  
 10 Q. But you transmitted the  
 11 protocol to a Dr. Miller, right?  
 12 MS. MONAGHAN: Object to form.  
 13 THE WITNESS: Yeah.  
 14 MS. MONAGHAN: She said she  
 15 didn't recall.  
 16 THE WITNESS: I guess I sent  
 17 him -- it says I sent him a copy of  
 18 the protocol, yes.  
 19 You know, I don't think I was  
 20 the only one who --  
 21 MS. MONAGHAN: The way it works  
 22 is you wait for a question.  
 23 THE WITNESS: Oh, okay.  
 24 (Purdue-Sackler Exhibit 3  
 25 marked for identification.)

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1 QUESTIONS BY MR. HANLY:  
 2 Q. Mark as Exhibit 3 -- I'm  
 3 finished with that, Doctor. You can put that  
 4 aside.  
 5 A. You don't want to know who Ron  
 6 Miller is?  
 7 Q. I don't.  
 8 A. Okay.  
 9 Q. I've placed Exhibit 3 before  
 10 you, which appears to be an e-mail exchange  
 11 between you and Dr. Richard Sackler.  
 12 Do you see that at the top?  
 13 A. Yeah. Yes, I see it's from me  
 14 to Richard --  
 15 Q. Richard is --  
 16 A. -- copying a lot of people.  
 17 Q. Richard is a cousin of yours?  
 18 A. Yes.  
 19 Q. He's the son of Raymond  
 20 Sackler?  
 21 A. Correct.  
 22 Q. He was the -- in 1999, he was  
 23 the president, was he not, of the Purdue  
 24 Frederick Company?  
 25 A. I guess you've probably figured

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1 out by now I'm not very good at dates, okay,  
 2 so I apologize if I don't know which date he  
 3 was the president.  
 4 But since preparing for this  
 5 deposition, I've seen that date associated  
 6 with his being the president, so I accept  
 7 that.  
 8 Q. Did you -- in preparing for  
 9 this deposition, did you have opportunity to  
 10 review this specific document?  
 11 A. No, I don't remember seeing  
 12 this specific document.  
 13 Q. Okay. Well, it -- the re: line  
 14 in the e-mail from you to Dr. Richard  
 15 Sackler, copying a number of other people --  
 16 I'm not going to list them here -- has a  
 17 subject: Alternative routes of analgesic  
 18 delivery.  
 19 Do you see that?  
 20 A. Yes.  
 21 Q. And so this was an exchange  
 22 that you were having with Dr. Richard Sackler  
 23 concerning a possible product with an  
 24 alternative delivery system for analgesia; is  
 25 that right?

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1 A. I don't know. I'd have to read  
 2 it to answer you.  
 3 Should I take a minute and try  
 4 to read it?  
 5 Q. Sure.  
 6 A. It's a long memo.  
 7 Q. I'm really only going to be  
 8 interested --  
 9 A. Which part do you want me to  
 10 look at?  
 11 Q. Well, I'd like you to look at  
 12 the third paragraph on the first page.  
 13 A. Okay.  
 14 Q. Just indicate when you've  
 15 reviewed that paragraph for me, please,  
 16 Doctor.  
 17 A. Okay.  
 18 [REDACTED]  
 19 [REDACTED]  
 20 [REDACTED]  
 21 [REDACTED]  
 22 [REDACTED]  
 23 [REDACTED]  
 24 [REDACTED]  
 25 [REDACTED]

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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1 QUESTIONS BY MR. HANLY:  
2 Q. The fourth sentence of that  
3 paragraph, it's the sentence that begins, "If  
4 I may digress."  
5 Do you see that?  
6 A. Uh-huh.  
7 Q. All right. And it reads, "If I  
8 may digress further for a moment, I would  
9 remind you" -- that's you're reminding cousin  
10 Richard; is that right?  
11 That's who you're reminding; is  
12 that right?  
13 A. I would think so. It's  
14 addressed to Richard, yeah.  
15 Q. Right.  
16 A. Although it's copied to a lot  
17 of people, so -- which is surprising.  
18 Q. But the sole addressee --  
19 A. Yeah.  
20 Q. -- is Richard?  
21 A. Okay. I mean --  
22 Q. So it reads, "If I may digress  
23 further for a moment, I would remind you of  
24 an earlier conversation we had, which you may  
25 remember, occurred a couple of years after I

Page 37

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

1 returned to work at PF" --  
2 That's Purdue Frederick, right?  
3 A. Uh-huh.  
4 Q. That's a yes?  
5 A. Yes. Yes.  
6 Q. -- "in 1985 following my  
7 residency in general surgery. We were  
8 undergoing some changes within the ranks of  
9 the R&D function again. I have since thought  
10 many times of this conversation, which we had  
11 over dinner in Greenwich, during which you  
12 asked me, quote, 'What is the one thing you  
13 would do if you were directing the R&D  
14 function,' unquote. I suppose it was a very  
15 good question, since you were not long  
16 thereafter, upon TA's departure, directing  
17 the R&D function for a period of a few years  
18 before Paul's role was expanded from medical  
19 to R&D and medical. Also, the question may  
20 have been prompted by our discussion at the  
21 time of your father's suggestion that I work  
22 with TA in the regulatory area, to which I  
23 expressed to you my preference for  
24 participation in new product research and  
25 development work. My answer to your question

<p style="text-align: right;">Page 38</p> <p>1 was that I would develop a CR" --  2 That's controlled-release,  3 right?  4 A. Uh-huh.  5 Q. Yes?  6 A. Yes.  7 Q. -- "a CR oxycodone tablet. You  8 went on to ask me what oxycodone is.  9 Apparently you were unaware of Percodan and  10 Percocet at that time."  11 Did I read that correctly?  12 A. You did.  13 Q. Now, CR --  14 A. Eloquently.  15 Q. I'm sorry?  16 A. Eloquently.  17 Q. CR -- withdrawn.  18 OxyContin is a CR oxycodone  19 tablet, true?  20 A. Yes.  21 Q. So --  22 A. But I didn't develop it.  23 Q. Well, but it was your idea,  24 wasn't it?  25 A. It -- no. It's interesting</p>	<p style="text-align: right;">Page 40</p> <p>1 (Purdue-Sackler Exhibit 4  2 marked for identification.)  3 QUESTIONS BY MR. HANLY:  4 Q. Mark as Exhibit 5 --  5 MS. CONROY: 4.  6 MS. MONAGHAN: I think we're  7 only up to 4.  8 MR. HANLY: 4. I'm sorry.  9 Thank you for the correction. Oh, I'm  10 sorry.  11 I'm finished with that, Doctor.  12 THE WITNESS: Okay. It was a  13 good idea.  14 QUESTIONS BY MR. HANLY:  15 Q. I'm --  16 A. It's a very good medicine, and  17 it's a very effective and safe medicine.  18 Q. -- placing before you --  19 MR. HANLY: Move to strike the  20 comments which were not in response to  21 a question.  22 QUESTIONS BY MR. HANLY:  23 Q. Place before you Exhibit 4,  24 Doctor.  25 A. Yes.</p>
<p style="text-align: right;">Page 39</p> <p>1 because -- you may find another memo or not,  2 but when I revisited this with Richard at a  3 later point, I don't know when -- which year  4 it was, but -- and I asked him if -- you  5 know, I referenced this conversation that I  6 had with him. And I remember when I had that  7 conversation with him we were having -- we  8 were having dinner together, I believe. And  9 he said he didn't remember it at all. He,  10 like -- he didn't remember it.  11 Q. Did you have occasion --  12 A. Which I thought was very odd,  13 actually.  14 Q. Did you have occasion to read  15 cousin Richard's deposition transcript --  16 A. No.  17 Q. -- which was taken a few weeks  18 ago?  19 A. No.  20 MR. CHEFFO: Object to form.  21 THE WITNESS: No, I didn't.  22 MS. MONAGHAN: I also object to  23 form.  24 MR. CHEFFO: It's Dr. Sackler.  25 THE WITNESS: No.</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. And do you see that about a  2 third of the way down the page it indicates  3 that this is an exchange from you to  4 Dr. Mortimer Sackler, right?  5 A. Yes, my father.  6 Q. That was your father?  7 A. Yes.  8 Q. And this regards a 50 an -- a  9 50-year anniversary booklet.  10 Do you see that in the re:  11 line?  12 A. 50-year anniversary booklet,  13 yes.  14 Q. All right. Because the Purdue  15 Frederick Company was acquired by your father  16 and Arthur Sackler in the year 1952?  17 A. No, my father and Raymond  18 Sackler.  19 Q. And Raymond Sackler in 1952?  20 A. Yeah.  21 Q. Right?  22 A. Yeah.  23 Q. So this --  24 A. And Arthur, I think -- Arthur  25 was a partner, but he wasn't active in -- or</p>

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1 at least in my -- my recollection, he wasn't  
 2 a full -- fully active. My father and  
 3 Raymond were the active partners in that  
 4 business.  
 5 Q. This e-mail from you to your  
 6 father, Dr. Mortimer Sackler, discusses this  
 7 planned booklet, right?  
 8 A. I don't remember the booklet.  
 9 I'm sorry.  
 10 Q. All right. Well, let's look at  
 11 the bottom of the e-mail.  
 12 Do you see where you -- where  
 13 you signed it K?  
 14 A. Yes.  
 15 Q. All right. And then below that  
 16 you wrote, did you not, "PS, I will  
 17 strenuously protest approval of any document  
 18 that suggests or implies, as this draft does,  
 19 that Richard Sackler was responsible for the  
 20 idea of developing a controlled-release  
 21 oxycodone product. As you know, when I told  
 22 Richard of my idea in the mid-'80s, he asked  
 23 me what oxycodone was."  
 24 Did I read that correctly?  
 25 A. I didn't write that.

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1 Q. You did not write this PS?  
 2 A. I don't remember writing that  
 3 ever, and I don't remember -- I also don't  
 4 remember -- I mean, it's very  
 5 uncharacteristic that I would copy like 12  
 6 people if I was just writing something to  
 7 Richard. It's weird, too.  
 8 Q. So --  
 9 A. I don't know.  
 10 Q. -- do you have any basis to  
 11 testify, Dr. Sackler --  
 12 A. No, I don't know.  
 13 Q. -- that either Exhibit 3 or  
 14 Exhibit 4 are fraudulent documents or weren't  
 15 actually written by you?  
 16 MS. MONAGHAN: Object to the  
 17 form.  
 18 She said she didn't remember  
 19 writing them.  
 20 MR. CHEFFO: Object to form.  
 21 THE WITNESS: I don't  
 22 remember and it's -- I don't remember  
 23 writing either of these, to tell  
 24 you -- I mean, if you want my honest  
 25 memory, I don't remember writing these

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1 memos.  
 2 I'm kind of accepting what  
 3 you're showing me because my name is  
 4 in the "to" line, but -- I mean, in  
 5 the "from" line and -- but it's -- I  
 6 mean, that's so -- I can't identify  
 7 that as something that I would write.  
 8 But, you know --  
 9 QUESTIONS BY MR. HANLY:  
 10 Q. Doctor, let me ask you --  
 11 A. -- it's so long ago, I don't  
 12 know. I can't swear one way or the other,  
 13 you know.  
 14 Q. Let me ask you this: You do  
 15 understand, do you not, Doctor, that  
 16 Exhibit 4 in front of you --  
 17 A. Right.  
 18 Q. -- as well as Exhibit 3 that we  
 19 were looking at a few moments ago, that both  
 20 of those documents were provided to us by  
 21 your company?  
 22 MS. MONAGHAN: Object to the  
 23 form.  
 24 QUESTIONS BY MR. HANLY:  
 25 Q. Do you understand that?

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1 A. If you say so, yes. I mean, I  
 2 assume they were part of your discovery work.  
 3 Q. And an objective reader of  
 4 these two documents would conclude, would she  
 5 not, that you were stating that the idea of a  
 6 controlled-release oxycodone product was  
 7 initially yours, right?  
 8 That's what these two documents  
 9 purport to say; isn't that true, Doctor?  
 10 A. But it wasn't -- my idea was an  
 11 idea expressed to my cousin over dinner, and  
 12 that's where it ended. Because that was -- I  
 13 was not involved in -- it was what year? I  
 14 wish I could remember what year that dinner  
 15 was because, you know, this is years later  
 16 that OxyContin was developed. It wasn't at  
 17 that time.  
 18 And if Richard -- you know, the  
 19 only -- if you ask Richard -- I mean, my  
 20 impression from what was understood at the  
 21 company at the time that OxyContin was  
 22 developed was that it was proposed -- that it  
 23 was Bob Kaiko's idea. That's what people  
 24 said.  
 25 And -- but that was years



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1 later, and he could have had the same idea.  
 2 You know, ideas in science and in research  
 3 and in pharmacology, very often people come  
 4 up with the same idea at different times and  
 5 different places. So it -- I didn't -- I  
 6 kind of said, okay, well, it was developed  
 7 after Bob came up with that idea. And that's  
 8 how it was attributed to his -- that it was  
 9 his idea.  
 10 So I didn't -- but it is true  
 11 that I said to Richard over dinner one  
 12 evening when he was running R&D, or when we  
 13 were talking about what I would do if I was  
 14 involved in R&D, and I thought that was a  
 15 very good idea, to develop an oxy -- a  
 16 controlled-release OxyContin product, yeah.  
 17 Q. But Exhibit 4 states at the  
 18 bottom, this PS, "I will strenuously protest  
 19 approval of any document that suggests or  
 20 implies, as this draft does, that Richard  
 21 Sackler was responsible for the idea."  
 22 Then it goes on to say, "As you  
 23 know, when I told Richard of my idea in the  
 24 mid-'80s, he asked me what oxycodone was."  
 25 A. Yeah.

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1 Q. So looking at this document, an  
 2 objective reader would conclude, would she  
 3 not, that you were taking credit for the  
 4 invention of OxyContin?  
 5 MS. MONAGHAN: Objection.  
 6 THE WITNESS: Not for the  
 7 actual invention; just for the idea.  
 8 QUESTIONS BY MR. HANLY:  
 9 Q. Thank you.  
 10 A. And the idea was not in the  
 11 time frame of the invention. It was just  
 12 something I said to Richard years before.  
 13 That dinner -- what's the date  
 14 of this? '99. No, it's not '99. That's  
 15 not --  
 16 Q. The document states that the  
 17 dinner --  
 18 A. The dinner was in 1985 or  
 19 something, right?  
 20 Q. That's what it states.  
 21 A. So if I said to Richard over  
 22 dinner, as I think I did, that I thought it  
 23 was a good idea to develop a control-release  
 24 oxycodone product, that's fine. And that's  
 25 what I said.

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1 But that doesn't mean that that  
 2 was -- this -- the -- that that then went  
 3 forward, that the company then went forward  
 4 and developed OxyContin, because it didn't.  
 5 Years passed. People changed. You know,  
 6 life went on.  
 7 And then when -- when Purdue  
 8 began to -- or whenever they were working on  
 9 developing an oxycodone control-release  
 10 product, it was not related to what I had  
 11 said. Because when I asked Richard, he  
 12 didn't even remember I had ever said that to  
 13 him.  
 14 So...  
 15 Q. We can agree, can we not,  
 16 Doctor --  
 17 A. Yeah. Sure.  
 18 Q. -- that OxyContin is a  
 19 controlled-release, oxycodone-based product?  
 20 A. Yes. It's an FDA-approved  
 21 and -- control-release oxycodone product,  
 22 which is a very effective analgesic and which  
 23 has been -- you know, even with -- with --  
 24 you know, it's -- unfortunately, it's been  
 25 caught up in this terrible, terrible public

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1 health crisis that we're having in our  
 2 country, which is just distressing and  
 3 complex and multi-faceted. And it's not --  
 4 it's not due to one pharmaceutical, and it's  
 5 not due to one company, and it's not due to  
 6 one problem. It's due to a very complex  
 7 situation that our country is living through  
 8 right now, which is both economic, social,  
 9 medical and pharmaceutical. And the war on  
 10 drugs plays a big part in it, the drugs being  
 11 allowed to come into the country, which are  
 12 killing people, seriously killing people.  
 13 And it will take -- I think it  
 14 will take -- you know, the government has to  
 15 really take some responsibility to make a  
 16 difference, and I hope you all will help that  
 17 happen because this is too big for any one  
 18 organization or one party to solve. It  
 19 really will require the federal government as  
 20 well as the state governments to cooperate to  
 21 change and to provide medical access to  
 22 people who were struggling with addiction.  
 23 And, you know, substance abuse  
 24 has been a problem in this country for a  
 25 hundred years, more than a hundred years, 200

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1 years, but we don't have to suffer the way we  
 2 do. If you look at other countries, they're  
 3 able to provide access to medical treatment,  
 4 and that saves lives. It makes the  
 5 difference. And I hope we can do that.  
 6 Q. You mentioned the federal  
 7 government, Dr. Sackler.  
 8 You are aware, are you not,  
 9 that your company pleaded guilty to the  
 10 felony of criminal -- criminal misbranding of  
 11 OxyContin in 2007?  
 12 A. Yes, I'm aware of that.  
 13 There were mistakes made, and  
 14 there were -- there was behavior that should  
 15 not have happened but happened that -- where  
 16 the drug was -- the sale -- there was -- and  
 17 I don't know who or how many or what level  
 18 exactly in the organization, but I do know  
 19 that somewhere in the sales and marketing  
 20 organization that there were individuals who  
 21 spoke outside of the label of OxyContin,  
 22 beyond what was -- what they were required to  
 23 follow in their communications with doctors.  
 24 And three executives, senior executives, took  
 25 responsibility for that also.

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1 And the company had a plea; I'm  
 2 aware of the plea. And -- and then there was  
 3 a -- you know, a CIA, I think it's called,  
 4 which lasted for a number of years.  
 5 Q. And you were --  
 6 A. Four or five years, yeah.  
 7 Q. You were a director at the time  
 8 the plea agreement was reached, true?  
 9 MS. MONAGHAN: Object to the  
 10 form.  
 11 THE WITNESS: Which year was  
 12 that? That was --  
 13 QUESTIONS BY MR. HANLY:  
 14 Q. 2007.  
 15 A. -- 2007, yeah.  
 16 Q. Yes.  
 17 A. Yes.  
 18 Q. Right.  
 19 And long prior to 2007 --  
 20 A. Right.  
 21 Q. -- you were involved on a  
 22 regular basis with the development of  
 23 OxyContin; isn't that true?  
 24 A. No.  
 25 MS. MONAGHAN: Object to the

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1 form.  
 2 THE WITNESS: Not -- I  
 3 wasn't -- that was not my area of  
 4 interest or activity, actually.  
 5 I was there in the company, so  
 6 I -- and I was copied on almost  
 7 everything because of the practice  
 8 within this family business that the  
 9 directors were copied on a lot of  
 10 material.  
 11 And this was -- the governance  
 12 has changed over the years. It was a  
 13 much smaller company originally. It  
 14 was a small family business. And my  
 15 father and my uncle were very  
 16 entrepreneurial, you know, type  
 17 businessmen, and they -- you know,  
 18 they -- they weren't as -- I suppose  
 19 in smaller businesses people don't  
 20 behave as formally with governances  
 21 or -- but -- you know, but they  
 22 were copied on a lot of material that  
 23 as the business grew, the directors  
 24 would not be copied on because it --  
 25 you know, it was much more of a

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1 separation between management and the  
 2 board of directors, which is  
 3 appropriate.  
 4 So...  
 5 (Purdue-Sackler Exhibit 5  
 6 marked for identification.)  
 7 QUESTIONS BY MR. HANLY:  
 8 Q. Let me place before you,  
 9 Doctor, Exhibit 5 to this deposition, for the  
 10 record, is a memorandum dated November  
 11 the 30th, 1991, and it's to you, among  
 12 others.  
 13 Do you see that, Doctor?  
 14 A. It's to --  
 15 Q. You're the fourth person down.  
 16 A. -- 12 people, including me.  
 17 Q. Including you?  
 18 A. Uh-huh.  
 19 Q. And it reads, starting with the  
 20 first paragraph, "Until last week" -- well,  
 21 let me start again.  
 22 The subject is oxycodone  
 23 AcroContin tablets.  
 24 Do you see that?  
 25 A. Who's it from? I can't see --

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1 Q. It appears to be from Richard  
 2 Sackler.  
 3 Do you see at the very top,  
 4 "fax from Richard Sackler"?  
 5 A. Oh.  
 6 Q. And the subject is oxycodone  
 7 AcroContin trademark tablets.  
 8 Do you see that?  
 9 A. Yes.  
 10 Q. AcroContin was a potential --  
 11 A. Oxycodone AcroContin tablets,  
 12 yeah.  
 13 Q. Yeah.  
 14 AcroContin was a potential name  
 15 that the company was thinking about affixing  
 16 to this controlled-release oxycodone that was  
 17 being developed?  
 18 A. No. AcroContin was the name of  
 19 the technology of the delivery system --  
 20 Q. Okay.  
 21 A. -- that it was formulated in.  
 22 Q. Okay. The memo reads, "Until  
 23 last week, our belief that oxycodone in high  
 24 dose might be a satisfactory alternate to  
 25 high-dose morphine was a supposition. As

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1 recent as this past July, Dr. Kathleen Foley  
 2 told me that the, quote -- quote, "The idea  
 3 is very promising, but whether one can use  
 4 oxycodone in high doses for cancer pain is  
 5 not known because nobody has ever used it,"  
 6 emphasis added.  
 7 It goes on, "Dr. Foley told us  
 8 in her lecture that recently she has been  
 9 using oxycodone liquid, sold by Roxanne, in  
 10 high doses and that it has performed  
 11 excellently. She has not only had no  
 12 unexpected side effects, but the product  
 13 seems to cause less sedation and confusion in  
 14 elderly patients than morphine, which she  
 15 finds frequently displays this serious side  
 16 effect in the elderly. She has used  
 17 oxycodone in doses up to 1,000 milligrams per  
 18 day" --  
 19 A. Shoo?  
 20 Q. -- "and she believes that that  
 21 is not a practical limit."  
 22 It goes on. The memo goes on.  
 23 "This new information is excellent and  
 24 important, as it confirms one of our hopes  
 25 for CR," controlled-release, "oxycodone."

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1 Do you see that?  
 2 Do you see those words, Doctor?  
 3 A. Yeah. That's pretty shocking,  
 4 a thousand milligrams. My God, that's an  
 5 enormous dosage.  
 6 Q. And the -- Dr. Richard  
 7 Sackler's statement that "this new  
 8 information is excellent and important, as it  
 9 confirms one of our hopes for CR oxycodone,"  
 10 this was written at the time that a  
 11 control-release oxycodone was being developed  
 12 in your company, right?  
 13 A. But that -- I mean, this  
 14 would -- that was not my understanding of the  
 15 purpose of developing OxyContin, ever, to be  
 16 able to dose a thousand milligrams, I mean,  
 17 or more.  
 18 Q. Well, it doesn't say that, does  
 19 it, Doctor?  
 20 It doesn't say that that's the  
 21 purpose?  
 22 A. No, but I don't think Richard's  
 23 the last word on what the company is doing,  
 24 necessarily, or the first.  
 25 I mean, he's -- it's his

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1 perspective, perhaps, I don't know. But it  
 2 certainly wasn't -- I mean, this is one  
 3 person's reaction to what he learned about  
 4 this -- about Dr. Foley's work. I don't  
 5 know.  
 6 Q. You have --  
 7 A. What's your question to me?  
 8 Q. You have no recollection of  
 9 having written anything in response that  
 10 disputed anything that Dr. Richard --  
 11 A. I don't even remember reading  
 12 this or seeing this.  
 13 Q. All right. But you have no  
 14 basis to believe you did not receive it;  
 15 isn't that true?  
 16 A. I have no basis either way,  
 17 and, you know, I may have been just as  
 18 stunned by this -- these comments then as I  
 19 am now, and I might have spoken to people  
 20 about it and not remembered it since 1991.  
 21 All of that's possible. I'm just --  
 22 Q. Can we --  
 23 A. You know, what's more  
 24 consistent -- what I can answer you from --  
 25 you know, more -- I'm trying to answer your

<p style="text-align: right;">Page 58</p> <p>1 questions as carefully and accurately as I  2 can, but -- you know, even though you can't  3 remember something, I think you have an  4 understanding of your own ideas and reactions  5 and sensibilities and values and thinking  6 and, you know, I don't -- you know, you're  7 showing me some things that -- or you're  8 suggesting -- you're interpreting the papers  9 that you're showing me in a way that is not  10 consistent...</p> <p>11 MR. HANLY: Objection. Move to  12 strike. Nonresponsive.</p> <p>13 QUESTIONS BY MR. HANLY:</p> <p>14 Q. Dr. Sackler --</p> <p>15 A. I'm sorry, I got a little lost  16 from your question. If you could start it  17 again.</p> <p>18 Q. -- if you'd be kind enough to  19 listen carefully to my questions.</p> <p>20 A. Sure.</p> <p>21 Q. They all call for only a yes or  22 no answer. If you can't answer yes or no,  23 your counsel will object.</p> <p>24 MR. CHEFFO: Objection. That's  25 an improper direction.</p>	<p style="text-align: right;">Page 60</p> <p>1 please.</p> <p>2 A. Yes.</p> <p>3 Q. And I don't mean to throw it at  4 you, Doctor.</p> <p>5 A. That's okay. You can throw it.  6 It's fine. You have to throw it or it won't  7 get here.</p> <p>8 Q. You can ignore the fax cover  9 sheets --</p> <p>10 A. Okay.</p> <p>11 Q. -- and just look at the last  12 page. And it appears to be a memo from you  13 to a number of people. Subject trademark for  14 oxycodone continus.</p> <p>15 A. Continus.</p> <p>16 Q. Continus?</p> <p>17 A. Yes.</p> <p>18 Q. And it reads, "Over lunch one  19 day during the international budget meetings,  20 a number of possible trademarks for oxycodone  21 continus were discussed, several of which  22 might be worthy of further consideration and  23 are recorded below."</p> <p>24 And then there's some names  25 that are recorded below, right?</p>
<p style="text-align: right;">Page 59</p> <p>1 MS. MONAGHAN: Objection.</p> <p>2 MR. CHEFFO: And you know that.</p> <p>3 MS. MONAGHAN: Actually, I  4 think we're going on about an hour  5 now. Is this a good time to take a  6 break?</p> <p>7 MR. HANLY: That's fine with  8 me.</p> <p>9 VIDEOGRAPHER: Okay. Please  10 remove your microphones. One second.  11 The time is 11:59 a.m. Off the  12 record.  13 (Off the record at 11:59 a.m.)</p> <p>14 VIDEOGRAPHER: We are back on  15 the record. The time is 12:13 p.m.</p> <p>16 QUESTIONS BY MR. HANLY:</p> <p>17 Q. Dr. Sackler, you were involved  18 in discussions concerning the potential name  19 of the controlled-release oxycodone that your  20 company was developing, true?</p> <p>21 A. I don't remember that.  22 (Purdue-Sackler Exhibit 6  23 marked for identification.)</p> <p>24 QUESTIONS BY MR. HANLY:</p> <p>25 Q. Let me show you Exhibit 6,</p>	<p style="text-align: right;">Page 61</p> <p>1 A. Uh-huh.</p> <p>2 Q. And you sent this to that group  3 of addressees?</p> <p>4 A. You see none of them -- none of  5 them were selected. Yes.</p> <p>6 But, okay, I mean, I don't  7 remember, you know. I can't remember an  8 e-mail -- I mean, a memo I wrote in 1991.  9 It's very difficult. I mean --</p> <p>10 Q. All right.</p> <p>11 A. -- I just don't remember this.</p> <p>12 But it was usual to -- for --  13 it was -- at that time it was not unusual for  14 my father and Raymond and these senior-level  15 executives and myself, because I worked  16 closely with my father, to discuss trademarks  17 and possible names.</p> <p>18 Q. All right. So you don't  19 specifically recall this document. But would  20 you agree that it suggests that were  21 participating in those discussions?</p> <p>22 MS. MONAGHAN: Object to the  23 form.</p> <p>24 QUESTIONS BY MR. HANLY:</p> <p>25 Q. Would you agree with that?</p>



<p style="text-align: right;">Page 62</p> <p>1 A. I'm not sure what you mean by 2 "those discussions." 3 Q. Well, this memo references 4 apparent -- yes, discussions. It says, over 5 lunch one day, et cetera, a number of 6 possible trademarks for oxycodone, et cetera, 7 were discussed, right? 8 A. Well, this was at a budget 9 meeting, so I was participating in the budget 10 meeting. That I can confirm because I did 11 participate in budget meetings. 12 Q. Okay. 13 A. And I can also confirm that 14 from time to time different conversations, 15 whether it was at lunch or not at lunch, 16 would come to the question of trademarks 17 and/or names for -- if there's a new product 18 being developed. But that's back in those 19 days. 20 As the company grew and 21 became -- you know, had a larger management 22 team and was more removed from the board -- 23 the directors of the company, there was more 24 separation than way back in the early days. 25 At that time the directors and</p>	<p style="text-align: right;">Page 64</p> <p>1 (Purdue-Sackler Exhibit 7 2 marked for identification.) 3 QUESTIONS BY MR. HANLY: 4 Q. Okay. Let me show you 5 exhibit -- I'm finished with that document. 6 A. And in philanthropy as well. 7 Q. Let me show you -- you can 8 place that aside. Thank you, Doctor. 9 Let me show you what we've 10 marked as Exhibit 7 to your deposition, which 11 appears to be a report of some sort entitled 12 "Usage and Perceptions of Oral Morphine Among 13 Orthopaedic Surgeons." It bears a date at 14 the top of July 9, 1992. 15 A. When you see MR at the top 16 here -- 17 Q. Yes. 18 A. -- that's from market research. 19 Q. All right. 20 A. So this came, I guess, from 21 department -- 22 Q. Came from market research? 23 A. I guess. 24 Q. All right. Thank you for that 25 clarification, Doctor.</p>
<p style="text-align: right;">Page 63</p> <p>1 the -- and the family members did not 2 participate. I mean, in recent times, the 3 directors and the family members were not 4 part of the process of researching and 5 developing a brand name for -- a brand name 6 for new product. 7 But back then, you know, in the 8 '70s, '80s, early '90s, there was still 9 discussion of brand names, of trademarks. 10 Q. And you testified just a few 11 moments ago that you worked closely with your 12 father. 13 A. Yeah. 14 Q. Let me ask you this question: 15 You worked closely with your father on the 16 business of the Purdue companies; is that 17 true? 18 MR. CHEFFO: Object to the 19 form. 20 MS. MONAGHAN: Object to the 21 form. 22 THE WITNESS: I worked closely 23 with my father -- I worked closely 24 with my father really across a number 25 of the businesses, not only Purdue.</p>	<p style="text-align: right;">Page 65</p> <p>1 It does appear to have gone to 2 you, or at least you're listed on the 3 distribution list, correct? 4 A. Amongst 23 other people. 5 Q. Yes, that's right. 6 A. Okay. Yep. 7 Q. Now, if you -- 8 A. Almost everything came to me. 9 Q. If -- 10 A. It was a lot of paper. 11 Q. If you would turn to the -- the 12 pages bear what seem to be original numbers 13 on them. If you would turn to the page 14 that's numbered 2, and it's entitled 15 "Executive Summary." 16 I think that's it, Doctor. 17 A. Yep. 18 Q. Do you have that? 19 A. Uh-huh. 20 Q. And I'm interested in the 21 middle paragraph. I'm going to just read a 22 portion of that to you. "ORS" -- that means 23 orthopedic surgeons, right? 24 A. I don't know what that means. 25 Q. Okay. In any case, "ORS appear</p>

<p style="text-align: right;">Page 66</p> <p>1 to operate under many false beliefs about 2 morphine. They seem, quote, scared, unquote, 3 or, quote, intimidated, unquote, by the name 4 morphine. It signals, quote, serious 5 drug/dying patient/addiction, unquote, all at 6 once." 7 Do you see that? 8 A. Yes, I see the words, yeah. 9 Q. All right. And then the last 10 paragraph reads, "Respondents did respond 11 very favorably to the idea of a long-acting 12 oral preparation, non-morphine, for their 13 severe pain patients. The primary advantage 14 would be convenience and compliance during 15 the first few days of severe pain following 16 surgery or a fracture. With 12 hours of 17 relief, the patient could sleep through the 18 night, a most important benefit versus 19 current Q4H medication." 20 A. Uh-huh. 21 Q. Do you see that? 22 A. Uh-huh. 23 Q. Yes? That's a yes? 24 A. Yes. I beg your pardon. Yes. 25 Q. So just looking at this as an</p>	<p style="text-align: right;">Page 68</p> <p>1 the second -- just turn -- 2 A. And the distribution is on the 3 front page, and then on the back it's 4 copied -- maybe it's the way it was copied. 5 But I guess it's the Glickman Research 6 Associates. 7 Are we saying that the report 8 is from the Glickman Research Associates -- 9 Q. That -- 10 A. -- or is it from the market 11 research department? 12 Q. It appears to be from Glickman, 13 forwarded to you and others by the marketing 14 department. 15 Okay? 16 A. So then -- and then it goes -- 17 and what is the -- what does it have in the 18 report? 19 Q. Well, I was only looking at the 20 executive summary, Doctor, which is page 21 number 2 of the report. And I was simply 22 asking you if you agreed -- 23 A. Oh, here it is. "Purpose. The 24 primary objective of this research was to 25 study the usage habits and perceptions of</p>
<p style="text-align: right;">Page 67</p> <p>1 objective reader, it suggests that this 2 survey company was telling the various 3 persons on the distribution list that 4 orthopedic surgeons might be very interested 5 in a non-morphine, 12-hour drug, right? 6 MR. CHEFFO: Objection. Form. 7 Foundation. 8 MS. MONAGHAN: Object to the 9 form. 10 QUESTIONS BY MR. HANLY: 11 Q. Isn't that what it seems to be 12 saying in the last paragraph of the page 13 numbered 2? 14 MR. CHEFFO: Same objections. 15 MS. MONAGHAN: Yes. 16 THE WITNESS: I'm still trying 17 to figure out what the document is. 18 Can I look at it for a moment? 19 QUESTIONS BY MR. HANLY: 20 Q. Of course. 21 A. Because it's like -- it's a 22 large document, but it has a cover on it as 23 if it came from the market research 24 department. 25 Q. Yes. If you have regard to</p>	<p style="text-align: right;">Page 69</p> <p>1 orthopedic surgeons with regard to oral 2 morphine. Essentially, Purdue Frederick has 3 amassed a significant level of understanding 4 of how oncologists think when confronted with 5 the need to treat pain, but relatively little 6 is known about how surgeons feel about 7 analgesic therapy." 8 Okay. 9 Q. Right. 10 And at that time, 1992, Purdue 11 was manufacturing, marketing and selling a 12 product called MS-Contin, right? 13 A. Correct. 14 Q. And that stands for morphine 15 sulfate continuous, right? 16 A. Continus. 17 Q. Continus? 18 A. You're getting there. Continus 19 was the technology, the actual patented 20 technology, that allowed the formulation 21 scientists who invented the product to -- to 22 formulate a 12-hour, slow-release-over-time 23 medication that had a -- particular 24 pharmacokinetic properties that were 25 desirable.</p>

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1 Q. And MS-Contin was an oral drug,  
2 right?

3 A. Yes. A tablet.

4 Q. It is?

5 A. It's a tablet, as is OxyContin.  
6 It's a tablet.

7 Q. Right.

8 A. And MS-Contin was, I think, the  
9 first control-release analgesic, I think.

10 Q. And --

11 A. It was 1980 -- '85, '86, it was  
12 marketed, I think.

13 Q. And ultimately, a few years  
14 after July of 1992, OxyContin was approved by  
15 the FDA, correct?

16 A. No. 1995. December 1995.

17 Q. Yes, I said a few years  
18 after --

19 A. Oh. That's a long time.

20 Q. Okay.

21 A. Yeah.

22 Q. Let's see if we can agree.

23 A. Sure.

24 Q. OxyContin was approved by the  
25 FDA on December the 12th, 1995?

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1 A. Well, you know more than I  
2 know. Yes. I know it's December '95. I  
3 didn't know the date.

4 Q. Okay. And OxyContin was  
5 marketed in part as a Q12H drug, meaning  
6 every four hours -- to be administered every  
7 12 hours?

8 A. Yes, two -- two tablets a day.

9 Q. Okay. And page 2 of this  
10 executive summary that I directed your --

11 A. You know, MS-Contin -- yeah. I  
12 mean, MS-Contin was really -- it really was  
13 an incredible medicine because it allowed  
14 cancer patients, particularly, not to have to  
15 be hospitalized to have their pain treated.  
16 Before that, patients had to -- were in and  
17 out of hospital to be treated for their pain  
18 in this country. In England, they used  
19 hospices so patients could be -- have their  
20 pain treatment there.

21 But what -- what -- and even at  
22 the time when I went to medical school, it  
23 was -- it was -- you know, it had always been  
24 thought that because of the first pass effect  
25 of the liver that you couldn't deliver an

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1 opioid in a tablet, in an oral form. And  
2 it's really -- it was -- the continus,  
3 control-release technology, changed that.  
4 That was the first technology that changed  
5 that.

6 MR. HANLY: Special Master  
7 Cohen, I'm going to ask the Court  
8 direct the witness to answer the  
9 questions that I ask.

10 I asked a question about  
11 OxyContin, and the witness gave me a  
12 long answer about MS-Contin. And this  
13 has been the pattern since the  
14 beginning of the deposition. The  
15 witness resorts to making a number of  
16 self-serving statements, and it's --  
17 it's obviously burning up my time.

18 And I would ask for direction  
19 to the witness by the Court.

20 MS. MONAGHAN: I'm just going  
21 to say that the witness is doing her  
22 best to answer the questions.  
23 Mr. Hanly gave her a document that  
24 purports to be about MS-Contin and  
25 then asked her questions in the middle

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1 about OxyContin, and so it was natural  
2 for her to revert to MS-Contin.

3 I think everybody agrees that  
4 we're here to do questions and  
5 answers, and the witness is doing her  
6 best to answer the questions.

7 SPECIAL MASTER COHEN:  
8 Ms. Sackler, I appreciate you're doing  
9 your best. I know this is an unusual  
10 circumstance. It's a very formalized  
11 way to have a conversation. If we  
12 were in a conversation, there would be  
13 different social rules.

14 Because this is so formal, I'm  
15 going to suggest to you that it will  
16 probably make this shorter and easier  
17 for everybody if, when you are asked a  
18 question, you try and answer only what  
19 is asked. I think that'll make it  
20 quicker and shorter for you, and  
21 easier for you, ultimately.

22 THE WITNESS: Okay.

23 SPECIAL MASTER COHEN: Okay.  
24 It's hard to do.

25 THE WITNESS: I'd like to

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1 apologize to Mr. Hanly. I thought you  
2 were interested in the information I  
3 offered.  
4 MR. HANLY: No apology is  
5 necessary.  
6 QUESTIONS BY MR. HANLY:  
7 Q. Could you have a look -- I  
8 believe you're on the page. I just want to  
9 ask you one more question.  
10 MS. MONAGHAN: Just to clarify  
11 the record, the page with the  
12 executive summary on it?  
13 MR. HANLY: Yes. Yes,  
14 page number 2 of the document.  
15 QUESTIONS BY MR. HANLY:  
16 Q. The last paragraph suggests,  
17 does it not, that oral surgeons would be  
18 interested in a drug that was not  
19 morphine-based and had a 12-hour duration?  
20 MS. MONAGHAN: Object to the  
21 form.  
22 QUESTIONS BY MR. HANLY:  
23 Q. Is that a fair reading  
24 objectively of this paragraph?  
25 MS. MONAGHAN: Object to the

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1 form and lack of foundation.  
2 THE WITNESS: May I read it  
3 once again?  
4 QUESTIONS BY MR. HANLY:  
5 Q. Please.  
6 A. What I would take from this is  
7 that the respondents liked the idea of the  
8 long-acting oral preparation for their severe  
9 pain patients, that's one thing, and that the  
10 primary advantage they saw was convenience  
11 and compliance.  
12 And probably the most important  
13 benefit -- in fact, they say most important  
14 benefit -- is that it allowed patients to  
15 sleep through the night. Because the Q4H  
16 immediate release analgesics, you have to  
17 wake up every four to six hours to take and  
18 wake up in pain to take. So...  
19 Q. This paragraph references a  
20 non-morphine-based analgesic, true? Second  
21 line of the paragraph? "Long-acting oral  
22 prep" --  
23 A. In parentheses, yeah.  
24 Q. Non-morphine.  
25 And it further references

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1 12 hours.  
2 Do you see that in the last  
3 sentence?  
4 A. Yes.  
5 Q. Okay. And both of those  
6 characteristics --  
7 A. I don't see 12 hours. Q4H is  
8 not 12 hours. Q4H is every four to six  
9 hours.  
10 Q. The beginning -- I'm sorry,  
11 Doctor.  
12 A. Oh, beg your pardon. With  
13 12 hours. Right. Okay.  
14 Q. And OxyContin, which was  
15 approved three years later than this memo,  
16 was a non-morphine-based drug to be  
17 administered every 12 hours. That's all I'm  
18 getting at.  
19 Can we agree on that?  
20 MS. MONAGHAN: Object to the  
21 form.  
22 THE WITNESS: But so is  
23 MS-Contin.  
24 QUESTIONS BY MR. HANLY:  
25 Q. So is the answer to my question

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1 yes?  
2 A. Can you tell me the question  
3 again?  
4 Q. Yeah, I'll read it.  
5 A. I'm sorry.  
6 Q. I'll read it back.  
7 "And OxyContin, which was  
8 approved three years later than this memo,  
9 was a non-morphine-based drug to be  
10 administered every 12 hours. That's all I am  
11 getting at."  
12 A. Oh, okay.  
13 Q. Is the answer yes?  
14 A. What is the question?  
15 Q. The question with reference --  
16 A. You're reading me a statement.  
17 I'm trying to understand what the question  
18 is --  
19 Q. Right.  
20 A. -- so I can say yes or no.  
21 Q. I was directing your attention  
22 to the last paragraph on page number 2 of  
23 the -- which is the executive summary --  
24 A. Okay.  
25 Q. -- and referencing the fact



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1 that that paragraph references two  
 2 characteristics: One, non-morphine; two,  
 3 12 hours of relief.  
 4 And I would like you to agree  
 5 with me, if you can, that those two  
 6 characteristics were characteristics of  
 7 OxyContin.  
 8 A. Yes.  
 9 MS. MONAGHAN: Object to the  
 10 form.  
 11 MR. HANLY: Thank you.  
 12 (Purdue-Sackler Exhibit 8  
 13 marked for identification.)  
 14 QUESTIONS BY MR. HANLY:  
 15 Q. I'm finished with that, Doctor.  
 16 A. Okay.  
 17 Q. I'm placing before you  
 18 Exhibit 8 to the deposition. This is --  
 19 appears to be a memo from you to Dr. Richard  
 20 Sackler and others dated January 6, 1993.  
 21 Do you see that?  
 22 A. Yes.  
 23 Q. And it's titled, "PF" --  
 24 That's a reference to Purdue  
 25 Frederick, correct?

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1 A. Yes.  
 2 Q. -- "oxycodone CR."  
 3 That's controlled release?  
 4 A. Yeah.  
 5 Q. That's tablets, right?  
 6 A. Yep, right.  
 7 Q. And you wrote to those  
 8 individuals, "Do we now have agreement on a  
 9 trademark for Purdue Frederick oxycodone  
 10 control-release tablets?" And then below  
 11 that, "OxyContin and pro-OxyContin."  
 12 Do you see that?  
 13 A. Yes.  
 14 Q. Does this suggest to you -- do  
 15 you recall this memo?  
 16 A. I don't. I'm sorry.  
 17 Q. All right. Would you agree  
 18 that it suggests that at that time you had  
 19 some involvement in the decision as to what  
 20 to call the oxycodone control-release product  
 21 that was being developed and which was  
 22 approved approximately two years later?  
 23 MS. MONAGHAN: Object to the  
 24 form and lack of foundation.  
 25 THE WITNESS: Or I'm asking the

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1 individuals if they've decided what  
 2 the trademark should be.  
 3 QUESTIONS BY MR. HANLY:  
 4 Q. And that would suggest that you  
 5 had some involvement in those discussions,  
 6 would it not?  
 7 MS. MONAGHAN: Object to the  
 8 form and lack of foundation.  
 9 THE WITNESS: If I was asking  
 10 these four individuals -- you know,  
 11 that's Michael Friedman, Goldenheim,  
 12 Udell, these are the three most senior  
 13 management executives. If I'm asking  
 14 them and Richard, who at this time  
 15 was, I think -- I'm not sure, 1993,  
 16 what his position was.  
 17 But if I'm -- if I'm asking  
 18 those four individuals, do we now have  
 19 agreement on trademark -- on a  
 20 trademark, I'm asking -- they're four  
 21 people; I'm one person. I don't know  
 22 what my -- it doesn't say anything  
 23 about my role.  
 24 It says -- it says that I'm --  
 25 I'm obviously in the conversation, but

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1 it doesn't say -- you know, I can tell  
 2 you I did not name OxyContin. I don't  
 3 know who did. I can't recall.  
 4 QUESTIONS BY MR. HANLY:  
 5 Q. Okay. But you -- you did just  
 6 tell me that looking at this now it suggests  
 7 that you were in the conversation?  
 8 A. About the name, yeah.  
 9 Q. Okay.  
 10 A. Yeah, I said that before also.  
 11 Q. Okay.  
 12 A. Yeah.  
 13 Q. And those three individuals  
 14 below Dr. Sackler --  
 15 A. Uh-huh. Dr. Richard Sackler?  
 16 Q. I'm sorry, Dr. Richard Sackler.  
 17 A. Uh-huh.  
 18 Q. Mr. Friedman and Dr. Goldenheim  
 19 and Mr. Udell, those were the three  
 20 individuals who pleaded guilty to criminal  
 21 misbranding of OxyContin, true?  
 22 A. Those are the three most senior  
 23 executives in management and -- who took the  
 24 responsibility for whatever the mismarketing  
 25 behavior was, and took the responsibility on

<p style="text-align: right;">Page 82</p> <p>1 themselves and pleaded guilty to a 2 misdemeanor, I believe it was. 3 Q. A misdemeanor on the part of 4 the three individuals -- 5 A. Yes. 6 Q. -- and a felony on the part of 7 the corporation? 8 A. No, they wouldn't have been the 9 ones to plea -- I don't -- I don't know. I'm 10 not -- I don't think they would have been the 11 ones to make the plea for the corporation. I 12 think -- but maybe. I'm not sure how that 13 worked. You would know better than I. 14 But they certainly would be the 15 ones to weigh in on what the trademark -- 16 what the brand name should be and what the 17 trademark would be. 18 Q. Do you have any recollection of 19 a survey commissioned by Purdue in the year 20 1995 concerning the attitudes of physicians 21 about a controlled-release, oxycodone-based 22 product? 23 MS. MONAGHAN: Object to the 24 form and lack of foundation. 25</p>	<p style="text-align: right;">Page 84</p> <p>1 marked for identification.) 2 QUESTIONS BY MR. HANLY: 3 Q. I place before you Exhibit -- 4 I'm sorry. 5 A. Sorry, my wire is messing up 6 your toss. 7 Q. Exhibit 9, Dr. Sackler -- 8 A. Yeah. 9 Q. -- a memo from you -- 10 apparently from you to Dr. Mortimer D. 11 Sackler. 12 Mortimer -- 13 A. My father. 14 Q. -- D. Sackler is your father? 15 A. Yes. 16 Q. And just for clarify, the other 17 Mortimer Sackler is Mortimer D.A. Sackler? 18 A. That's my brother, yeah. 19 Q. That's your -- 20 A. My brother. 21 Q. -- your brother whose mother is 22 not the same mother as you; is that correct? 23 A. He's still my brother. 24 Q. Right. But -- 25 A. We call each other and live our</p>
<p style="text-align: right;">Page 83</p> <p>1 QUESTIONS BY MR. HANLY: 2 Q. My question is just do you have 3 any recollection? 4 A. I don't recall. I don't 5 recall. 6 Q. Okay. Do you have any 7 recollection of reviewing the report of that 8 survey? 9 A. No, I don't remember -- 10 MS. MONAGHAN: Object to the 11 form and foundation. 12 THE WITNESS: -- that. 13 QUESTIONS BY MR. HANLY: 14 Q. Do you know the saying in the 15 pharmaceutical world, if it's not in the 16 label, it's not in the launch? 17 Is that a familiar phrase? 18 A. I've never heard that before. 19 Q. How about, if it ain't in the 20 label, it ain't in the launch? 21 A. I never heard that either. 22 Q. All right. 23 A. It sounds like it may be from 24 another part of the country. 25 (Purdue-Sackler Exhibit 9</p>	<p style="text-align: right;">Page 85</p> <p>1 lives as brothers and sisters -- 2 Q. Okay. 3 A. -- even though we have 4 different mothers, and that's fine. 5 Q. All right. 6 A. He's my brother. 7 Q. So he is usually referred -- 8 A. We're all very close. 9 Q. He is usually referred to as 10 Mortimer D.A. Sackler; is that true? 11 A. Yes. 12 Q. All right. So this is a memo 13 to your father dated May 17, 1995, and it's 14 regarding an agenda for a meeting with 15 Michael Friedman. 16 Do you see that? 17 A. Yes. 18 Q. And you write to your father, 19 "Attached please find my draft agenda for 20 items to cover with Mike. However, since he 21 will be tied up in court and unable to meet 22 with us Friday, I suggest we hold this agenda 23 for the next meeting opportunity. In the 24 meanwhile, I will be meeting with him one day 25 next week."</p>

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1 Is that what you wrote?

2 A. Yes.

3 Q. All right. And then attached

4 is the proposed agenda, correct?

5 A. Yes.

6 Q. And Item 1.3 of the agenda of

7 the meeting that was to take place between

8 you and Mortimer D. Sackler and Michael

9 Friedman is entitled -- 1.3 is entitled "1995

10 OxyContin Launch Program."

11 Do you see that?

12 A. Uh-huh.

13 Q. Yes?

14 A. Yes.

15 Q. All right. And that suggests,

16 does it not, that you and your father and

17 Michael Friedman were going to be discussing

18 the launch program for OxyContin?

19 MS. MONAGHAN: Object to the

20 lack of foundation and to the form.

21 THE WITNESS: Maybe I can -- I

22 have to stick to yes or no, so I can't

23 help --

24 QUESTIONS BY MR. HANLY:

25 Q. If you can answer yes or no.

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1 If you can't, you can tell me, "I can't

2 answer that yes or no."

3 My question is simply: Doesn't

4 this suggest that you, your father and

5 Michael Friedman were going to be discussing

6 the launch program for OxyContin?

7 A. Yes, to bring my father up to

8 speed because he was not in this country. He

9 lived and worked in Europe, and so he would

10 come in for meetings. And Michael or Paul or

11 whoever he was meeting with would bring him

12 up to speed. And I helped organize those

13 meetings and participate in them.

14 Q. Right.

15 Because you were -- you were at

16 this time up to speed concerning the issues

17 in the agenda, right?

18 MS. MONAGHAN: Objection. Lack

19 of form and foundation.

20 THE WITNESS: No, that's not

21 what it means.

22 What it means is that -- he was

23 far away, and it also gave me an

24 opportunity to share my thoughts with

25 him as well.

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1 But this -- you know, that's --

2 this is just a way of organizing

3 communications.

4 QUESTIONS BY MR. HANLY:

5 Q. And --

6 A. And that's...

7 Q. And what I'm asking you,

8 Doctor, is does it not suggest that you

9 participated in some discussions concerning

10 the launch program for OxyContin?

11 A. Or I sat there and listened.

12 MS. MONAGHAN: Object to the

13 form.

14 THE WITNESS: I don't know what

15 I did.

16 QUESTIONS BY MR. HANLY:

17 Q. Okay. But --

18 A. It doesn't suggest anything

19 about my behavior. It suggests that there

20 was a meeting set up for my father with

21 Michael Friedman to discuss this agenda and

22 that I facilitated that for my father.

23 Q. Yes.

24 A. That's what it suggests.

25 Q. And if you look at the first

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1 page, does it not suggest that you were

2 participating in the meeting, because it

3 says, "However, since he will be tied up in

4 court and unable to meet with us Friday, I

5 suggest," et cetera?

6 Doesn't that suggest that you

7 were a participant in the meeting?

8 MS. MONAGHAN: I'm going to

9 object to the question and point out

10 that it -- that the part that counsel

11 skipped over says, "I suggest we hold

12 this agenda for the next meeting

13 opportunity."

14 THE WITNESS: Right.

15 QUESTIONS BY MR. HANLY:

16 Q. Okay.

17 A. It just meant that I was going

18 to meet with Mike the next day so that he

19 knew that I would meet with -- it didn't mean

20 that we were going to have this meeting

21 without him. That's not what it meant.

22 You know, I have to just

23 explain something that, you know, I -- I said

24 I worked closely with my father. I did.

25 I didn't work as closely with

<p style="text-align: right;">Page 90</p> <p>1 Richard and Michael and Howard and Paul.  2 Because the way that that happened is they --  3 you know, there was a kind of informal way of  4 meeting where they met over lunch every day  5 with Dr. Raymond, my uncle, and John Sackler  6 as well when he was there, and I was not  7 invited to those lunches.  8 So to the extent that they had  9 to include me because we're 50/50 partners  10 and I was there, they did, but not beyond  11 that. So when -- because I -- I see that  12 you're trying to understand what my role was  13 or how involved I was or what I did or what I  14 didn't do or what I participated in. So I  15 think it's important that I tell you that so  16 you understand that dynamic that went on.  17 Q. The 50/50 --  18 A. It wasn't easy.  19 Q. The 50/50 partnership that you  20 referenced --  21 A. Uh-huh.  22 Q. -- is the relationship between  23 the Mortimer D. Sackler family and the  24 Raymond Sackler family, true?  25 A. Yes. Correct.</p>	<p style="text-align: right;">Page 92</p> <p>1 A. No.  2 Q. He was --  3 A. Marketing? No. I don't think  4 so.  5 Q. He was a partner at a law firm  6 that at one time was called Chadbourne Parke.  7 A. Yes.  8 Q. Is that true?  9 A. Yes.  10 Q. Do you know whether Mr. Baker  11 was paid by Purdue individually or was his  12 law firm paid? Do you know one way or the  13 other?  14 MS. MONAGHAN: Objection.  15 MR. CHEFFO: I'm just going  16 to -- I'm just going to note an  17 objection on behalf of Purdue, just --  18 and a request for the witness and for  19 Mr. Hanly.  20 I actually don't -- I'm -- it's  21 not specific to that question. But it  22 seems like some of these questions are  23 getting at the tip of what could be  24 attorney-client privilege in terms of  25 roles and advice. So I would just ask</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. All right. And that 50/50  2 partnership, to use your word, exists today  3 between those two families; isn't that true?  4 A. Yes.  5 Q. Do you know a man named Stuart  6 Baker?  7 A. Yes.  8 Q. He was, for many years, counsel  9 to the Sackler family; is that true?  10 A. He was -- he was counsel to the  11 board of directors of Purdue. He had a  12 number of roles.  13 Q. Did he advise the Sackler  14 family from time to time?  15 A. I think he advised -- I don't  16 know. I think he advised individual Sackler  17 family members from time to time, and maybe  18 he also advised the whole family in some --  19 as relates to the business, perhaps. I don't  20 know that he did -- yeah.  21 Q. All right.  22 A. I think that's how I would  23 describe it.  24 Q. And did he advise from time to  25 time concerning marketing issues?</p>	<p style="text-align: right;">Page 93</p> <p>1 you to be sensitive to that issue in  2 framing your question so that we don't  3 have any issues of privilege or work  4 product.  5 QUESTIONS BY MR. HANLY:  6 Q. My question is -- is simply  7 whether you know, and perhaps you have no  8 idea, whether Mr. Baker was paid individually  9 as opposed to paying his law firm for the  10 services he provided to the family and to the  11 Purdue group of companies.  12 Do you know one way or the  13 other?  14 MS. MONAGHAN: Object to the  15 question. Form and foundation.  16 THE WITNESS: I think he was  17 probably paid both ways.  18 QUESTIONS BY MR. HANLY:  19 Q. All right. I place before  20 you -- Doctor, I'm finished with that one, if  21 you care to set it aside.  22 (Purdue-Sackler Exhibit 10  23 marked for identification.)  24 QUESTIONS BY MR. HANLY:  25 Q. I place before you Exhibit 10</p>



<p style="text-align: right;">Page 94</p> <p>1 to your deposition, which is -- appears to be  2 an e-mail chain, various replies. And at the  3 top it appears to indicate that the chain was  4 sent to a variety of people, including you.  5 And the subject -- and for the record, the  6 date is July the 12th, 1995. The subject is  7 press release.  8 Do you see that at the very  9 top?  10 A. Yes.  11 Q. All right. So I think the way  12 to read these coherently is to -- is to start  13 with the e-mail on -- on the second page of  14 the document at the bottom. Again, the re:  15 line is press release. The author is  16 Dr. Richard Sackler.  17 And I would note for the record  18 that it appears that these e-mails all were  19 sent in June, July or October.  20 A. September.  21 Q. September?  22 A. The one on the bottom.  23 Q. Well, let me ask you this,  24 because there is some confusion, I believe.  25 Richard Sackler's e-mails</p>	<p style="text-align: right;">Page 96</p> <p>1 she's working on would use the UK tradition  2 of having the day, then the month, then the  3 year, then I would say that this is June 9,  4 '95, in England.  5 And if I look at Richard's, if  6 he was here in the United States -- you know,  7 because, your -- I think your -- your -- I  8 think Outlook changes when you're writing --  9 when you're in England, let's say, and you  10 send a memo, it might use the UK tradition of  11 dating. And when you're here -- so it may  12 depend on where the people are.  13 Q. All right.  14 A. It's one possibility.  15 Q. All right. Well, let's --  16 let's do it this way.  17 A. But I'm certain that Elizabeth  18 Starling was in the UK, but what I'm not  19 certain about is whether the date is in the  20 English tradition that you asked.  21 Q. All right. Well, let's look at  22 the bottommost e-mail on the second page,  23 which is the one from Richard. Whether it's  24 September or June, we'll leave for the  25 moment. The re: line is press release.</p>
<p style="text-align: right;">Page 95</p> <p>1 appear to use the English way of setting  2 forth a date.  3 So do you know, in fact,  4 whether this e-mail from Richard Sackler was  5 in September versus June? Because it says  6 09/06/95.  7 Let me withdraw that question.  8 Do you see the e-mail just --  9 well, look at the Richard Sackler date. It's  10 9/6/95, correct?  11 A. Yes.  12 Q. All right. Look at the e-mail  13 just above that.  14 A. All right.  15 Q. That appears to be 6/9/95.  16 Do you see that?  17 A. Yes.  18 Q. Does that suggest to you that  19 Richard Sackler's e-mail was actually a  20 June 9, '95, e-mail?  21 A. May I say more than yes or no?  22 Q. Sure.  23 A. Okay. I'm not sure --  24 Elizabeth Starling is writing from Napp UK.  25 So I would think that if the computer that</p>	<p style="text-align: right;">Page 97</p> <p>1 Do you see that?  2 A. Uh-huh.  3 Q. That's a yes?  4 A. Oh, yes. Sorry.  5 Q. And the first line reads, "Paul  6 M" -- that's a reference to Paul Manners;  7 isn't that true?  8 A. I would assume. I would guess  9 that, yeah.  10 Q. And it says, "I have now  11 located the press release. It was with KAS.  12 Somehow it was never was passed to you for  13 action."  14 Do you believe you are KAS?  15 That is the way you were often  16 referred to.  17 A. This is very -- it would be  18 very strange for him to say that about me.  19 Q. So you have no recollection of  20 having a press release or a draft press  21 release around this time?  22 A. No, I don't. I have no  23 recollection of this at all.  24 Q. Okay. Well, let's turn over to  25 the previous -- to the first page of the</p>

<p style="text-align: right;">Page 98</p> <p>1 document, if you would.</p> <p>2 A. All right.</p> <p>3 Q. Okay. On the bottom of the</p> <p>4 first page of the document appears to be</p> <p>5 another Richard Sackler e-mail, right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And the one, two, three,</p> <p>8 fourth paragraph down it states, does it not,</p> <p>9 "SDB" --</p> <p>10 Now, you understand that to be</p> <p>11 Stuart Baker, right?</p> <p>12 A. I would think so.</p> <p>13 Q. Okay.</p> <p>14 -- "remarked that since we are</p> <p>15 private, we haven't a fair disclosure</p> <p>16 requirement and can choose and select what we</p> <p>17 want to publish. This would seem to be a</p> <p>18 definite advantage to our private status that</p> <p>19 we have not taken advantage of."</p> <p>20 Did I read that correctly?</p> <p>21 A. Yes.</p> <p>22 Q. All right. And then on the</p> <p>23 second page, the e-mail just below the one</p> <p>24 that I just read, appears to be from Jonathan</p> <p>25 Sackler.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Well --</p> <p>2 A. I'm only copied on the one.</p> <p>3 Which one was I copied on? I</p> <p>4 don't see me copied -- oh, the top one.</p> <p>5 Yeah. Okay.</p> <p>6 Q. Well, you --</p> <p>7 A. One -- so this is a string of</p> <p>8 e-mails, right?</p> <p>9 Q. That's correct.</p> <p>10 A. All right. I don't know. I</p> <p>11 mean, I would never -- I mean, it's not how I</p> <p>12 would express myself, or it does not reflect</p> <p>13 my thinking.</p> <p>14 Q. Okay.</p> <p>15 A. But I guess it reflects their</p> <p>16 thinking.</p> <p>17 Q. Let's go back to the first page</p> <p>18 and look at another e-mail from Dr. Richard</p> <p>19 Sackler. This is the second e-mail on the</p> <p>20 page.</p> <p>21 Again, it's on the same</p> <p>22 subject, press release, and it states, does</p> <p>23 it not, "I would like to suggest that we make</p> <p>24 more of OxyContin, paren, see the</p> <p>25 nonconfidential disclosure which could be</p>
<p style="text-align: right;">Page 99</p> <p>1 Jonathan Sackler is your -- is</p> <p>2 another cousin of yours, correct?</p> <p>3 A. Richard's brother.</p> <p>4 Q. Richard's brother?</p> <p>5 A. Yeah.</p> <p>6 Q. All right. And is Jonathan</p> <p>7 Sackler a physician as well?</p> <p>8 A. No.</p> <p>9 Q. All right. And Jonathan</p> <p>10 Sackler -- Jonathan Sackler, in 1995, was a</p> <p>11 member of the board, like you, right?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And Jonathan Sackler</p> <p>14 writes, "This press release doesn't have to</p> <p>15 be perfect or even entirely accurate, for</p> <p>16 that matter. We just want to get into the</p> <p>17 record that Mundipharma Germany is</p> <p>18 introducing its own OAD" -- that means once a</p> <p>19 day -- "product and that Purdue in the US and</p> <p>20 Napp in UK have once-a-day formulations in</p> <p>21 advanced stages of development."</p> <p>22 Do you see that?</p> <p>23 A. Yeah.</p> <p>24 You notice I'm not copied on</p> <p>25 these other e-mails we're reading.</p>	<p style="text-align: right;">Page 101</p> <p>1 quite easily turned into a press release,</p> <p>2 close paren."</p> <p>3 Did I read that correctly?</p> <p>4 A. Yes.</p> <p>5 Q. And -- withdrawn.</p> <p>6 By the way, a once-a-day</p> <p>7 oxycodone product was never developed by</p> <p>8 Purdue; is that true?</p> <p>9 MS. MONAGHAN: Object to the</p> <p>10 form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 QUESTIONS BY MR. HANLY:</p> <p>13 Q. Do you remember a man named</p> <p>14 Curtis Wright?</p> <p>15 A. Yes.</p> <p>16 Q. Curtis Wright was the FDA</p> <p>17 reviewer who had oversight over the new drug</p> <p>18 application for OxyContin, true?</p> <p>19 A. The way I remembered him was he</p> <p>20 was the research scientist who worked at</p> <p>21 Purdue research laboratories in Ardsley.</p> <p>22 Q. Do you not recollect that prior</p> <p>23 to the introduction of the approval of</p> <p>24 OxyContin on December the 12th, 1995, that</p> <p>25 Curtis Wright worked for the FDA?</p>

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1 A. No, I didn't recall that.  
 2 (Purdue-Sackler Exhibit 11  
 3 marked for identification.)  
 4 QUESTIONS BY MR. HANLY:  
 5 Q. Let me show you Exhibit  
 6 Number 11 to your deposition, Doctor.  
 7 It's an e-mail which appears to  
 8 be at -- the top of the e-mail appears to be  
 9 from Dr. Richard Sackler to a number of  
 10 people, and you are shown as a copyee.  
 11 Do you see that?  
 12 A. Yes.  
 13 Q. Okay. And the subject is TC --  
 14 you would understand that to mean telephone  
 15 conference, right, telephone call? TC?  
 16 MR. CHEFFO: Objection.  
 17 THE WITNESS: I'm not sure what  
 18 that means.  
 19 QUESTIONS BY MR. HANLY:  
 20 Q. All right.  
 21 A. I've never seen that before,  
 22 actually, TC.  
 23 Q. Okay. Well, it says TC with  
 24 Dr. Wright.  
 25 And then Dr. Richard Sackler

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1 writes, appears to write, "This conversation  
 2 with Curtis Wright shows again how far we  
 3 have come in building a positive relationship  
 4 with the Agency."  
 5 Do you see that?  
 6 A. Yes.  
 7 Q. Okay. Then if you drop down to  
 8 the third e-mail on the page, the subject is  
 9 the same subject, TC with Dr. Wright. And  
 10 this appears to be from Dr. Robert Reder.  
 11 Do you see that?  
 12 A. Yes.  
 13 Q. And do you remember Dr. Reder?  
 14 A. I do.  
 15 Q. All right. And he was  
 16 involved --  
 17 A. I think he was a cardiologist.  
 18 Q. But he worked for Purdue?  
 19 A. Yes.  
 20 Q. Right.  
 21 And was involved -- was  
 22 involved with the introduction and approval  
 23 of OxyContin, right?  
 24 MS. MONAGHAN: Objection.  
 25 THE WITNESS: You know, I

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1 really can't recall each person's role  
 2 because I wasn't -- I didn't -- I  
 3 wasn't that involved to be able to --  
 4 and maybe also because it's such a  
 5 long time.  
 6 But I don't recall what his  
 7 role was. But he was certainly at  
 8 Purdue, and he was a cardiologist by  
 9 training.  
 10 I don't remember what his  
 11 position was, I'm sorry. If I did, I  
 12 would tell you.  
 13 QUESTIONS BY MR. HANLY:  
 14 Q. All right. Well, in any case,  
 15 Dr. Reder's e-mail there at the bottom of the  
 16 page of the exhibit references that he -- it  
 17 says, "I called to update him on the  
 18 OxyContin NDA."  
 19 And further on it reads, "PF  
 20 will meet internally on the package insert  
 21 August 9th and have the next version mailed  
 22 to FDA by the end of that week."  
 23 Do you see that?  
 24 A. Yeah.  
 25 I'm also not copied on these

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1 e-mails.  
 2 Q. Do you have a recollection of  
 3 participating in meetings in August of 1995  
 4 concerning the package insert for the  
 5 OxyContin product?  
 6 MS. MONAGHAN: Objection.  
 7 QUESTIONS BY MR. HANLY:  
 8 Q. Do you recall one way or the  
 9 other?  
 10 A. I don't recall.  
 11 Q. All right.  
 12 A. I'm sorry.  
 13 MR. CHEFFO: Paul, before we do  
 14 this, I think just to make the record  
 15 clear, I've been told, which I  
 16 appreciate, that the actual copy  
 17 that's going to be used as an exhibit  
 18 doesn't have highlighting on it.  
 19 MR. HANLY: That's right.  
 20 MR. CHEFFO: Our copies do, and  
 21 I think the one that Jayne was using  
 22 did. So just --  
 23 MS. CONROY: I highlighted it.  
 24 MR. HANLY: Right. But the  
 25 actual exhibit does not.

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1 MR. CHEFFO: Okay. But the one  
2 that was used up on the screen does.  
3 MR. HANLY: Sure.  
4 MR. CHEFFO: That's not the  
5 actual exhibit?  
6 MR. HANLY: No. The exhibit  
7 itself does not have any highlighting.  
8 It shouldn't, anyway.  
9 MS. MONAGHAN: This one  
10 actually does have highlighting,  
11 though. It has, like, in gray,  
12 preexisting highlighting.  
13 MR. CHEFFO: That's what I'm  
14 talking about. And even the one that  
15 was used on the screen --  
16 THE WITNESS: Low lights.  
17 MR. CHEFFO: -- actually has --  
18 MR. HANLY: Can I see the --  
19 MS. CONROY: The actual --  
20 MR. HANLY: No, the one that  
21 the witness --  
22 MS. CONROY: The actual  
23 exhibit.  
24 MR. HANLY: I'm sorry, Maura,  
25 this doesn't appear to have any.

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1 MR. CHEFFO: It doesn't. But  
2 the one that was up on the screen that  
3 was being highlighted did.  
4 MR. HANLY: Right. And we --  
5 just so it's clear, we have -- we've  
6 been highlighting throughout, but not  
7 on the actual exhibit.  
8 MR. CHEFFO: But you see my  
9 point. It's got shading and --  
10 MS. MONAGHAN: It's got  
11 preexisting shading. See?  
12 MR. CHEFFO: Look at the names  
13 and look at the text.  
14 MR. HANLY: Okay. But not on  
15 the one --  
16 MR. CHEFFO: I understand.  
17 MR. HANLY: -- that the witness  
18 has.  
19 MR. CHEFFO: You put something  
20 up on the screen. I'm just noting it.  
21 MR. HANLY: Okay. So --  
22 MR. CHEFFO: If that ever gets  
23 used at some point, it's not going to  
24 be an exact replica, is my only point.  
25 MR. HANLY: Okay. And we can

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1 argue that at trial or whatever.  
2 MR. CHEFFO: I'm not looking to  
3 argue.  
4 (Purdue-Sackler Exhibit 12  
5 marked for identification.)  
6 QUESTIONS BY MR. HANLY:  
7 Q. Oh, I'm finished with that one.  
8 Thank you.  
9 Doctor, I'm going to place  
10 before you Exhibit 12 to this deposition.  
11 For the record, it appears to  
12 be a memo from you dated August the 8th,  
13 1995, to Paul Goldenheim regarding OxyContin  
14 tablets package insert.  
15 Do you see that?  
16 A. Uh-huh.  
17 Q. Yes?  
18 A. Uh-huh.  
19 Q. Yes?  
20 A. Oh, yes. Sorry.  
21 Q. You have to answer yes --  
22 A. I'm sorry, I keep forgetting.  
23 Q. The court reporter, as talented  
24 as she is, can't take down --  
25 A. Yes. I realize -- I beg your

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1 pardon. I'll say yes. Yes.  
2 Q. Thank you.  
3 And this reads, does it not,  
4 "Just a reminder re:" -- regarding -- "my  
5 request for a copy of latest draft of the  
6 package insert for OxyContin tablets. Thank  
7 you, regards."  
8 Do you see that?  
9 A. Yes.  
10 Q. So would you agree with me it  
11 appears, anyway, that in August of 1995 you  
12 actually were interested in having the latest  
13 draft of what became the package insert?  
14 A. I wanted to read the package  
15 insert, and it wasn't finished, and so I  
16 asked for the latest draft. And I didn't see  
17 the package insert, I had to ask for it,  
18 which reminds me that I was not involved in  
19 the process. And that was typical of a lot  
20 of things that happened back then.  
21 Q. But the -- you understand that  
22 this memorandum that we're looking at dated  
23 August the 8th is some four months prior to  
24 the actual approval, right, for OxyContin?  
25 MS. MONAGHAN: Object to the



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1 form.

2 THE WITNESS: And therefore?

3 QUESTIONS BY MR. HANLY:

4 Q. It's just a question.

5 A. Well, I see the date.

6 Q. Yes.

7 And you -- you've already

8 testified that you were interested in seeing

9 the package insert --

10 A. Of course I'd be interested in

11 seeing the package insert.

12 Q. Okay. And you ultimately --

13 A. And not to have seen it by this

14 late date, four months before the launch of

15 the product, I was particularly eager to see

16 the package insert. It was about to be

17 launched.

18 Q. And you did ultimately receive

19 the latest draft of the package insert?

20 MS. MONAGHAN: Object to the

21 form. Lack of foundation.

22 QUESTIONS BY MR. HANLY:

23 Q. Did you or did you not?

24 A. I don't recall.

25 Q. Okay.

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1 A. I hope I -- I hope I did.

2 Q. Okay.

3 A. That was typical, having to

4 chase things.

5 (Purdue-Sackler Exhibit 13

6 marked for identification.)

7 QUESTIONS BY MR. HANLY:

8 Q. I'm placing before you

9 Exhibit 13 to your deposition. And I tell

10 you, Doctor, I'm only going to be looking at

11 one small portion of this document, which

12 purports to be annotated package insert,

13 including patient instructions, for

14 OxyContin. And it states below that, "Draft

15 package insert."

16 Do you see that on the front

17 page?

18 A. Yes.

19 Q. All right. And someone has

20 written in hand at the top "Reder version."

21 Do you see that?

22 A. Yes.

23 Q. "Reder" apparently referencing

24 Dr. Robert Reder, right? Yes?

25 A. It's a good guess.

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1 Q. Okay. And if you sort of flip

2 through it, you see that this document --

3 somebody has made a lot of comments and

4 changes and such to -- to the -- to the

5 printed text.

6 Do you see all that?

7 MR. CHEFFO: Objection. Form.

8 THE WITNESS: Yes.

9 QUESTIONS BY MR. HANLY:

10 Q. Okay. And if you turn to --

11 now, I'm going to ask you to look -- you see

12 in the lower right-hand corner of each page

13 there's a very long number?

14 A. Yes.

15 Q. Okay. Could you turn to the

16 page that ends in 354?

17 A. Yes. 354?

18 Q. Yes, 354.

19 A. 354.

20 Q. I think you might have passed

21 it, but perhaps not.

22 MS. MONAGHAN: Do you mind if I

23 help her find it?

24 MR. HANLY: I don't. I'd be

25 grateful.

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1 MS. MONAGHAN: This is it.

2 THE WITNESS: 3354.

3 QUESTIONS BY MR. HANLY:

4 Q. Yes, 3354.

5 A. Got it.

6 Q. You have that?

7 A. Uh-huh.

8 Q. That's a yes?

9 A. Yes.

10 Q. Okay.

11 A. I didn't realize it was such a

12 habit. Sorry.

13 Q. Now --

14 MS. MONAGHAN: I'm just going

15 to ask a question. The legibility of

16 this exhibit is not great.

17 MR. HANLY: Agreed.

18 MS. MONAGHAN: Is it -- is it

19 legible enough for you to review,

20 Kathe?

21 THE WITNESS: I can't read

22 this. Is that what you mean?

23 MS. MONAGHAN: Okay. So just

24 note for the record the witness can't

25 read the notes.

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1 Can you read the --  
2 THE WITNESS: The handwritten.  
3 MS. MONAGHAN: -- portion --  
4 MR. HANLY: Well, that wasn't  
5 what she testified. She referenced  
6 what's up at the top, which I agree --  
7 THE WITNESS: I --  
8 MR. HANLY: -- I don't think  
9 anyone could read that.  
10 THE WITNESS: I can't read  
11 what's on the right-hand side either.  
12 I can't read these comments --  
13 MR. HANLY: Well --  
14 THE WITNESS: -- except for  
15 that one word, which I think might be  
16 "replace."  
17 QUESTIONS BY MR. HANLY:  
18 Q. Well, let me ask the questions  
19 and see --  
20 A. Yeah.  
21 Q. -- and see whether you can --  
22 A. Can you read that?  
23 Q. I'm going to try.  
24 A. Okay.  
25 Q. Okay?

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1 So, first of all, let's look at  
2 that -- the text, the printed text, at  
3 Section 580: drug abuse and drug dependence,  
4 addiction, and the word "drug" is crossed  
5 out.  
6 Do you see that? Do you see  
7 where we are?  
8 A. Yes.  
9 Q. Okay. And the sentence I have  
10 an interest in is just below that heading,  
11 and let's see if we can agree as to what the  
12 printed section reads.  
13 Does it -- withdrawn.  
14 It appears to read, "OxyContin  
15 is a mu-agonist opioid with an abuse  
16 liability similar to morphine and is a  
17 Schedule II controlled substance. Oxycodone  
18 products are common targets for both drug  
19 abusers and drug addicts."  
20 Did I read that text correctly  
21 so far as you can tell?  
22 A. Yes.  
23 Q. Okay. Now, that handwriting  
24 over there on the right, I'm going to read  
25 what I think it says, and you can tell me "I

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1 don't see that" or "I don't agree," or you  
2 can --  
3 MS. MONAGHAN: Or "I can't read  
4 it."  
5 MR. HANLY: Or "I can't read  
6 it."  
7 QUESTIONS BY MR. HANLY:  
8 Q. But let's try. Okay?  
9 Does it appear to say, "Delayed  
10 mu-opioid activity as provided by OxyContin  
11 tablets is believed to reduce the abuse  
12 liability" -- I think it says "of a drug,"  
13 but I recognize those last characters are  
14 quite faint.  
15 Can you agree with any of my  
16 reading of that handwritten note?  
17 MR. CHEFFO: Objection. Form.  
18 MS. MONAGHAN: Object to the  
19 form.  
20 THE WITNESS: I can agree with  
21 "delayed."  
22 QUESTIONS BY MR. HANLY:  
23 Q. Okay. That's as far as you can  
24 agree in terms of what you can --  
25 A. I can agree with "opioid." I

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1 think it's "opioid." Looks like "opioid."  
2 Can't get the next three, four  
3 words. It looks like "OxyContin" in the  
4 middle there.  
5 Q. Tablets?  
6 A. Tablets, I see.  
7 Q. How about the next line?  
8 A. Can't read the next line, but  
9 then I can read "the abuse." But that's it  
10 for that line.  
11 Q. Okay. All right.  
12 A. Do you have a better copy?  
13 Q. If you have a look at the  
14 screen in front of you, do you see where that  
15 handwriting is highlighted?  
16 Does that help you read the  
17 handwriting?  
18 A. I have to get closer. I'm  
19 sorry.  
20 MS. CONROY: You can move it.  
21 QUESTIONS BY MR. HANLY:  
22 Q. As highlighted, does it make it  
23 easier for you to read it?  
24 A. A little bit.  
25 Q. So what --

<p style="text-align: right;">Page 118</p> <p>1 A. I think "activity" may be --</p> <p>2 you can see "activity."</p> <p>3 Q. Can you see before the word</p> <p>4 "opiod" mu, m-u?</p> <p>5 A. Can't really make out the U.</p> <p>6 Q. Okay. What else can you</p> <p>7 read --</p> <p>8 A. It could be mu. I mean, that</p> <p>9 would be correct if it was mu. We could</p> <p>10 assume it was mu.</p> <p>11 Q. All right.</p> <p>12 A. The "to" is clear. Is that a</p> <p>13 t-o, to?</p> <p>14 Q. Yes.</p> <p>15 A. And the "abuse" is clear.</p> <p>16 Q. Okay. How about the word</p> <p>17 "liability" after "abuse"?</p> <p>18 A. I'd be guessing, but I could</p> <p>19 see how that could work, yeah.</p> <p>20 Q. All right. Thank you for</p> <p>21 assisting, Doctor.</p> <p>22 MS. MONAGHAN: I just want to</p> <p>23 note one thing. As Mr. Hanly was</p> <p>24 starting this line of questioning,</p> <p>25 there was a beep on the phone, which</p>	<p style="text-align: right;">Page 120</p> <p>1 rollcall. Doesn't the court reporter</p> <p>2 typically find out who's on the</p> <p>3 call --</p> <p>4 MS. MONAGHAN: Yes.</p> <p>5 MR. CHEFFO: -- or something</p> <p>6 like that?</p> <p>7 Maybe we should just do that on</p> <p>8 the record. That's usually what</p> <p>9 happens in a deposition.</p> <p>10 MR. HANLY: That's fine, but</p> <p>11 this time should not be -- come out of</p> <p>12 my examination.</p> <p>13 SPECIAL MASTER COHEN: Correct.</p> <p>14 MR. CHEFFO: Well, that's with</p> <p>15 every single deposition, I think, in</p> <p>16 this litigation. People say who's on</p> <p>17 the record.</p> <p>18 But I -- Special Master Cohen,</p> <p>19 you can decide.</p> <p>20 SPECIAL MASTER COHEN: All</p> <p>21 right. Let's -- first of all, is this</p> <p>22 a good time to break? I mean, it</p> <p>23 might be a good time to break.</p> <p>24 MR. HANLY: Sure.</p> <p>25 MS. MONAGHAN: Yes, I think it</p>
<p style="text-align: right;">Page 119</p> <p>1 seemed to signal somebody either</p> <p>2 joining or dropping off.</p> <p>3 Do we know if that happened</p> <p>4 and, if so, who it was?</p> <p>5 SPECIAL MASTER COHEN: That's</p> <p>6 happened a few times during the course</p> <p>7 of the deposition, and I don't know</p> <p>8 what it means.</p> <p>9 MS. MONAGHAN: Do we have a</p> <p>10 record of who is on the phone?</p> <p>11 We do not.</p> <p>12 Who arranged for the conference</p> <p>13 number?</p> <p>14 I'm sorry, does anyone on the</p> <p>15 plaintiff side know who's on the phone</p> <p>16 or --</p> <p>17 MR. HANLY: I know that Pete</p> <p>18 Weinberger, who's liaison counsel, was</p> <p>19 supposed to be on, but I don't know</p> <p>20 beyond that.</p> <p>21 MS. MONAGHAN: If we don't</p> <p>22 know, then I think we should</p> <p>23 disconnect the line.</p> <p>24 MR. WEINBERGER: Yes, I am on.</p> <p>25 MR. CHEFFO: We typically do a</p>	<p style="text-align: right;">Page 121</p> <p>1 is a good time to break.</p> <p>2 SPECIAL MASTER COHEN: So let's</p> <p>3 break the deposition but continue with</p> <p>4 this question --</p> <p>5 MS. MONAGHAN: Okay.</p> <p>6 SPECIAL MASTER COHEN: -- which</p> <p>7 is, who is on the phone.</p> <p>8 And let me begin by asking,</p> <p>9 given that we're two hours in, what</p> <p>10 your concern is.</p> <p>11 MS. MONAGHAN: Well, just</p> <p>12 hearing beeps that people are coming</p> <p>13 in and out, I think it should be a</p> <p>14 more controlled environment than that</p> <p>15 so we know who is participating in the</p> <p>16 deposition telephonically.</p> <p>17 SPECIAL MASTER COHEN: If there</p> <p>18 had been no beeps, we would still not</p> <p>19 know who was participating.</p> <p>20 MS. MONAGHAN: I thought -- I</p> <p>21 misunderstood at the beginning of the</p> <p>22 deposition. The court reporter said</p> <p>23 that the appearances had all been</p> <p>24 noted for the record, and I took that</p> <p>25 to mean that a survey had been done of</p>

<p style="text-align: right;">Page 122</p> <p>1 who was on the telephone and did not 2 understand that it hadn't. 3 SPECIAL MASTER COHEN: Does -- 4 MS. MONAGHAN: So I apologize 5 for not catching on sooner, but it 6 wasn't until the beeps that I realized 7 that. 8 SPECIAL MASTER COHEN: Does 9 anybody know who created this telecon 10 call-in number? 11 MS. FITZPATRICK: Special 12 Master, I believe this telephone 13 conference number was created by 14 Golkow Technologies and is available 15 only to individuals who have signed 16 the protective order in this case and 17 should have access to the number. 18 It's not anything that's circulated 19 beyond anyone who specifically 20 requested from Golkow to receive the 21 number. 22 SPECIAL MASTER COHEN: All 23 right. Do you want to -- 24 VIDEOGRAPHER: We're still on 25 the record, so --</p>	<p style="text-align: right;">Page 124</p> <p>1 everyone who's on the phone, would you 2 please identify yourself and which 3 party you're representing? 4 Is that sufficient? 5 MS. MONAGHAN: That's fine. 6 MR. WEINBERGER: This is Pete 7 Weinberger on behalf of the plaintiff. 8 MR. YINGLING: This is Patrick 9 Yingling with Reed Smith for 10 AmerisourceBergen. 11 MR. MALLOY: This is Greg 12 Malloy on behalf of Mallinckrodt. 13 MR. CARTER: Ed Carter on 14 behalf of Walmart. 15 MR. DAVIS: Josh Davis of 16 Arnold &amp; Porter on behalf of Endo and 17 Par. 18 MR. WHITESELL: This is Jeff 19 Whitesell from Tucker Ellis on behalf 20 of Johnson &amp; Johnson and Janssen. 21 MR. FULLER: Mike Fuller on 22 behalf of the PEC. 23 MS. CLINTON: This is Laura 24 Clinton from the Washington Attorney 25 General's Office on behalf of the</p>
<p style="text-align: right;">Page 123</p> <p>1 SPECIAL MASTER COHEN: Yes, 2 that's fine. 3 VIDEOGRAPHER: Do you guys want 4 to go off the record? 5 SPECIAL MASTER COHEN: No, I'd 6 like someone to do a rollcall. 7 Is that your job? 8 COURT REPORTER: So we -- 9 people are to e-mail in their 10 appearances, how they are going to 11 appear, whether in person or on the 12 phone, the day before the deposition. 13 I have a list of them, but I do not 14 know if that is who is actually on the 15 phone; just who has e-mailed and said 16 they are going to participate and in 17 which way they are. 18 SPECIAL MASTER COHEN: All 19 right. So do you remain concerned 20 enough that you want to do a rollcall? 21 MS. MONAGHAN: I do want to do 22 a rollcall, please. 23 SPECIAL MASTER COHEN: Someone 24 else can do that. 25 MS. FITZPATRICK: Hi. For</p>	<p style="text-align: right;">Page 125</p> <p>1 State of Washington. 2 MR. WEINBERGER: Pete 3 Weinberger, liaison counsel for the 4 PEC. 5 MR. MacWILLIAMS: Michael 6 MacWilliams, Venable, on behalf of 7 Abbott Labs. 8 MR. CHEFFO: Anyone else? 9 MS. MONAGHAN: Okay. 10 MR. STEWART: As long as we're 11 addressing administrative matters, I 12 just want to remind everybody, Mike 13 Stewart, representing the Tennessee 14 plaintiffs in state-related cases. 15 We have a notice down for this 16 witness for today for three hours. 17 I'm certainly open to other 18 arrangements, but right now we will be 19 beginning our deposition immediately 20 after the MDL today. 21 MR. CHEFFO: Yeah, we've 22 objected to that, I think, as you 23 know, and I don't believe that that 24 was going to happen today, but we can 25 talk off the record and try to resolve</p>



<p style="text-align: right;">Page 126</p> <p>1 that.</p> <p>2 MR. STEWART: Certainly.</p> <p>3 SPECIAL MASTER COHEN:</p> <p>4 Everybody done? We can take a lunch</p> <p>5 break?</p> <p>6 MS. MONAGHAN: I think so.</p> <p>7 VIDEOGRAPHER: Okay. The time</p> <p>8 is 1:20 p.m. Going off the record.</p> <p>9 (Off the record at 1:20 p.m.)</p> <p>10 VIDEOGRAPHER: We are back on</p> <p>11 the record. The time is 2:03 p.m.</p> <p>12 And will all appearances -- all</p> <p>13 present, please introduce themselves</p> <p>14 for the record, please.</p> <p>15 MR. HANLY: Paul Hanly, Simmons</p> <p>16 Hanly Conroy, for plaintiffs.</p> <p>17 MS. CONROY: Jayne Conroy,</p> <p>18 Simmons Hanly Conroy, for plaintiffs.</p> <p>19 MS. FITZPATRICK: Laura</p> <p>20 Fitzpatrick, Simmons Hanly Conroy, for</p> <p>21 plaintiffs.</p> <p>22 MR. SMOKLER: Sanford Smokler,</p> <p>23 Simmons Hanly Conroy, for plaintiffs.</p> <p>24 MS. SINGER: Linda Singer,</p> <p>25 Motley Rice, for the plaintiffs.</p>	<p style="text-align: right;">Page 128</p> <p>1 also from Debevoise &amp; Plimpton, also</p> <p>2 for Dr. Kathe Sackler.</p> <p>3 SPECIAL MASTER COHEN: And</p> <p>4 Special Master David Cohen.</p> <p>5 MS. NIEDZIELSKI-EICHNER: Nora</p> <p>6 Niedzielski-Eichner, Debevoise &amp;</p> <p>7 Plimpton, for Kathe Sackler.</p> <p>8 MR. COHEN: Joshua Cohen from</p> <p>9 Debevoise &amp; Plimpton, Kathe Sackler.</p> <p>10 QUESTIONS BY MR. HANLY:</p> <p>11 Q. Dr. Sackler, you are aware, are</p> <p>12 you not, that in connection with this</p> <p>13 litigation your attorneys gathered documents</p> <p>14 from what lawyers call a custodial file and</p> <p>15 made those documents available to us?</p> <p>16 A. Yes.</p> <p>17 Q. You are aware of that?</p> <p>18 A. Yes.</p> <p>19 Q. Did you assist your attorneys</p> <p>20 in the gathering together of documents from</p> <p>21 your so-called custodial file?</p> <p>22 MS. MONAGHAN: I'm just going</p> <p>23 to say, you can -- I don't think that</p> <p>24 question treads on attorney-client</p> <p>25 privilege, but we're getting close to</p>
<p style="text-align: right;">Page 127</p> <p>1 MS. CONROY: Mildred Conroy,</p> <p>2 the Lanier Law Firm, for the</p> <p>3 plaintiffs.</p> <p>4 MR. STEWART: Mike Stewart,</p> <p>5 Branstetter, Stranch &amp; Jennings, for</p> <p>6 the Tennessee plaintiffs.</p> <p>7 MS. JINDAL: Jyoti Jindal,</p> <p>8 Williams &amp; Connolly, for Cardinal</p> <p>9 Health.</p> <p>10 MR. BARNES: Robert Barnes,</p> <p>11 Marcus &amp; Shapira, defendant HBC</p> <p>12 Service Company.</p> <p>13 MR. STOFFELMAYR: Kaspar</p> <p>14 Stoffelmayr, Bartlit Beck, for</p> <p>15 Walgreens.</p> <p>16 MR. WIDAS: Alexandra Widas,</p> <p>17 Covington &amp; Burling, for McKesson.</p> <p>18 MR. WILLIFORD: Harold</p> <p>19 Williford, Debevoise &amp; Plimpton, for</p> <p>20 Kathe Sackler.</p> <p>21 MR. CHEFFO: Mark Cheffo for</p> <p>22 Purdue.</p> <p>23 MS. WHITE: Mary Jo White,</p> <p>24 Debevoise &amp; Plimpton, for Dr. Sackler.</p> <p>25 MS. MONAGHAN: Maura Monaghan,</p>	<p style="text-align: right;">Page 129</p> <p>1 an area that does. So if any question</p> <p>2 seems to you to call for you to</p> <p>3 disclose discussions that you had with</p> <p>4 your attorney, let me know, and I'll</p> <p>5 tell you whether or not you can answer</p> <p>6 the question.</p> <p>7 Okay?</p> <p>8 THE WITNESS: Okay.</p> <p>9 I'm sorry, can you repeat the</p> <p>10 question? I lost track of it.</p> <p>11 QUESTIONS BY MR. HANLY:</p> <p>12 Q. Sure.</p> <p>13 Did you assist your attorneys</p> <p>14 in the gathering together of documents from</p> <p>15 your so-called custodial file?</p> <p>16 A. I was -- I was with several of</p> <p>17 my attorneys -- or people from my attorneys'</p> <p>18 office who were gathering my custodial files</p> <p>19 in -- at the same time that they were at the</p> <p>20 office in Stamford, yeah.</p> <p>21 Q. Do you understand that your</p> <p>22 attorneys provided to us thousands of pages</p> <p>23 of documents that supposedly come from your</p> <p>24 custodial file?</p> <p>25 A. Okay.</p>

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1 Q. You accept that?

2 A. If that's -- yes. Sure.

3 Q. Okay. Is there any document

4 that you're aware of that's been provided to

5 the plaintiffs that contains within it any

6 expression by you of remorse, concern,

7 empathy or sympathy for any of the victims of

8 the opioid crisis?

9 MR. CHEFFO: Objection. Form.

10 No foundation. Harassing.

11 MS. MONAGHAN: Objection on all

12 those grounds.

13 THE WITNESS: That's not where

14 I would choose to express my empathy,

15 sympathy, and deep compassion for the

16 people who have suffered from opioid

17 abuse or misuse or addiction or...

18 It's -- I mentioned it earlier

19 today. It's a horrific situation,

20 what's going on in our country with

21 drug abuse and misuse. And whether

22 it's accidental or whether it's

23 recreational or whether it's

24 iatrogenic or what it is, you know,

25 it's all of the above and it's

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1 terrible. It's terrible and it's

2 shocking and it's painful.

3 QUESTIONS BY MR. HANLY:

4 Q. And so the answer to my

5 question is you're not familiar with any such

6 document in the documents turned over to us?

7 MS. MONAGHAN: Objection.

8 Form.

9 MR. CHEFFO: Objection. Form.

10 THE WITNESS: I really don't

11 know -- I can't say because there are

12 thousands and thousands of documents.

13 I don't know. I haven't gone back and

14 read them all. I can't attest to

15 what's in them in that regard.

16 It's possible there's something

17 in there to that effect. It's

18 possible it's not.

19 It doesn't strike me as the

20 place where I would express those

21 feelings in a very profound, deep-felt

22 reaction to what's happening.

23 QUESTIONS BY MR. HANLY:

24 Q. You referenced in your answer

25 just a moment ago iatrogenic addiction,

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1 right?

2 A. I --

3 Q. You used those words?

4 A. Yeah, I spoke -- iatrogenic --

5 I didn't say addiction, but it's one possible

6 source of -- of substance misuse or

7 consequences from -- you know, I just -- to

8 be inclusive I was -- yes, it is a possible

9 source of addiction also.

10 Q. And iatrogenic means arising

11 out of a doctor's care?

12 A. Yeah.

13 Q. Right?

14 A. Uh-huh.

15 Q. And so do you accept that

16 iatrogenic addiction to your company's

17 medication, OxyContin, has occurred?

18 A. I think that OxyContin, like

19 all Class II narcotics, has a high risk of

20 abuse, has a high risk of diversion, I guess,

21 and has a high risk of addiction, I think.

22 That's a fact. It's in a big black box on

23 the label. It's something that I think we've

24 all become more and more and more focused on

25 because of the problems of what's happened

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1 to -- in the world.

2 And also, I think maybe we

3 understand addiction a little bit better

4 today than we did 25 years ago, but still not

5 great. We still need a lot of research and a

6 lot more knowledge about -- about, you

7 know -- well, I'm saying too much. I'm

8 supposed to stick to your question.

9 Q. Oxycodone was invented in

10 Germany in 1913; isn't that true?

11 A. I don't know. I'm sorry.

12 Q. Oxycodone was around in the

13 medical world for decades before the

14 introduction of OxyContin; is that true?

15 A. I'm aware that in this country

16 from -- I mean, I don't -- I've never

17 searched -- I really don't know what the

18 first date oxycodone -- you know, I suppose

19 you could look in the pharmacopeia and see

20 when it was listed as an active molecule in

21 the pharmacopeia.

22 I know it wasn't in Europe for

23 many years. It was here in the United States

24 before it was listed over there as a -- as an

25 active ingredient for medicines in humans.

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1 Q. One of the earliest brand names  
2 for oxycodone containing analgesia in the  
3 United States was Percodan, true?  
4 A. Uh-huh.  
5 Q. Yes?  
6 A. Well, as far as I know, yes.  
7 Q. All right.  
8 A. I'm not an expert on this, so  
9 it's hard for me to --  
10 Q. And Percodan has been known for  
11 decades to have a high risk of abuse  
12 liability, true?  
13 MR. CHEFFO: Objection.  
14 THE WITNESS: The risk  
15 liability of a narcotic doesn't change  
16 with time. It is what it is. It's a  
17 molecule that is -- has a high risk of  
18 addiction. That's what it's always  
19 been. That's what it probably always  
20 will be.  
21 QUESTIONS BY MR. HANLY:  
22 Q. Irrespective of whether that  
23 molecule or the active pharmaceutical  
24 ingredient is combined, for example, with  
25 acetaminophen, true, the risk remains the

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1 same?  
2 MS. MONAGHAN: Objection.  
3 THE WITNESS: The risk remains  
4 the same?  
5 You know, you're asking me to  
6 answer definitively questions that  
7 I'm -- I don't feel knowledgeable  
8 enough -- I'm not an expert in  
9 pharmacology and I'm not an expert in  
10 products or in addiction, and so I  
11 have to be a little careful about how  
12 I answer you.  
13 I don't want to -- but as I  
14 think everyone -- certainly every  
15 doctor knows, and anyone who has read  
16 a package label of any narcotic knows,  
17 that Class II -- Class II narcotic --  
18 Class II pharmaceutical drugs are  
19 Class II because they have a  
20 significant risk of abuse, misuse,  
21 addiction, overdose and potentially  
22 death. And that's why they're  
23 called -- why they're classified as  
24 Class II.  
25 But -- and I think that's a DEA

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1 and a regulatory classification, not a  
2 pharmaceutical classification.  
3 But, you know, the label says  
4 it very clearly. The OxyContin label  
5 is absolutely explicit.  
6 QUESTIONS BY MR. HANLY:  
7 Q. Well, speaking of the label,  
8 let's have a look at another version. And if  
9 you would hold on to Exhibit 13, perhaps your  
10 counsel could put that back in front of you.  
11 A. Sorry.  
12 Q. And if you would first just  
13 turn back to the page we were looking at,  
14 which is 3354 with that handwriting on the  
15 right.  
16 Are you there, Doctor?  
17 A. 3354.  
18 Q. Yes.  
19 A. Yep.  
20 (Purdue-Sackler Exhibit 14  
21 marked for identification.)  
22 QUESTIONS BY MR. HANLY:  
23 Q. Okay. And now I'm going to  
24 place before you Exhibit Number 14, and we're  
25 going to look at a similar section.

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1 By the way, you did testify  
2 before the lunch break that you reviewed the  
3 OxyContin package insert at some point before  
4 the drug was approved, right?  
5 MS. MONAGHAN: Objection.  
6 MR. CHEFFO: Objection.  
7 THE WITNESS: No, I didn't.  
8 What I said was I was -- in  
9 that memo that you showed me, that was  
10 a request to receive a copy of it  
11 because I hadn't received a copy of  
12 it.  
13 QUESTIONS BY MR. HANLY:  
14 Q. All right.  
15 A. So is that the one you're  
16 talking about? Yeah.  
17 Q. Yes.  
18 A. Okay.  
19 Q. Let me ask you this question:  
20 Did you ever review the OxyContin package  
21 insert, whether in draft form or final form?  
22 A. I actually can't recall, but I  
23 would like to think I did.  
24 Q. All right. So with regard to  
25 Exhibit 14 that's in front of you, could you

<p style="text-align: right;">Page 138</p> <p>1 turn within that exhibit to page 7041?</p> <p>2 A. Okay.</p> <p>3 Q. Let me ask you first, actually.</p> <p>4 This appears to be a version of the package</p> <p>5 insert.</p> <p>6 Do you know whether you've ever</p> <p>7 seen this document before?</p> <p>8 A. I'd have to look at it closely</p> <p>9 to know the answer to that. I just turned</p> <p>10 from the front to the end.</p> <p>11 Do you want me to look at it</p> <p>12 carefully or...</p> <p>13 Q. Why don't you just flip through</p> <p>14 the pages and see if looking at any of those</p> <p>15 pages refreshes your recollection as to</p> <p>16 whether indeed you did or did not see this</p> <p>17 document before.</p> <p>18 MR. CHEFFO: This also has</p> <p>19 shading, Paul. Is that not in the</p> <p>20 original?</p> <p>21 MS. FITZPATRICK: Right.</p> <p>22 MS. CONROY: It's not in the</p> <p>23 original.</p> <p>24 QUESTIONS BY MR. HANLY:</p> <p>25 Q. Any recollection of seeing that</p>	<p style="text-align: right;">Page 140</p> <p>1 the way down the page, do you have there in</p> <p>2 front of you in Exhibit 14 a section Drug</p> <p>3 Abuse and Drug Dependence Addiction with the</p> <p>4 "drug" having a cross-out through it?</p> <p>5 A. The same as on this one.</p> <p>6 Q. Yes.</p> <p>7 A. Yeah.</p> <p>8 Q. Can you confirm, however, that</p> <p>9 in Exhibit 14, which is the one under your</p> <p>10 right hand --</p> <p>11 A. Yeah.</p> <p>12 Q. -- that there's an additional</p> <p>13 sentence in the first paragraph that does not</p> <p>14 appear in the text of Exhibit 13?</p> <p>15 Do you see that? Do you see</p> <p>16 that sentence that's underlined in 14?</p> <p>17 MS. MONAGHAN: I'm going to</p> <p>18 object that she testified that she</p> <p>19 couldn't read Exhibit 13 when we went</p> <p>20 over this section before, and so</p> <p>21 there's no foundation for these</p> <p>22 questions.</p> <p>23 MR. HANLY: Well, she testified</p> <p>24 she couldn't read the handwriting in</p> <p>25 Exhibit 13, not the text. I'm asking</p>
<p style="text-align: right;">Page 139</p> <p>1 before?</p> <p>2 A. I don't think I have, but I</p> <p>3 really can't fully recall.</p> <p>4 Q. All right.</p> <p>5 A. It's such a long time ago. But</p> <p>6 I don't believe so. I don't -- one of the</p> <p>7 things -- one of the reasons I don't -- I</p> <p>8 mean, this -- this looks like something that</p> <p>9 someone marked up.</p> <p>10 Q. Well, if you take a look at the</p> <p>11 first page, the second paragraph states,</p> <p>12 "Attached please find the revised draft</p> <p>13 package insert."</p> <p>14 A. Yeah.</p> <p>15 Q. Signed by --</p> <p>16 A. I don't think I ever saw this</p> <p>17 or read this, but I don't recognize it.</p> <p>18 Q. All right. Could you turn --</p> <p>19 could you just hold -- no, could you hold</p> <p>20 that there --</p> <p>21 A. Okay.</p> <p>22 Q. -- and then could you turn to</p> <p>23 7041 on Exhibit 14?</p> <p>24 A. Okay.</p> <p>25 Q. And down -- three-quarters of</p>	<p style="text-align: right;">Page 141</p> <p>1 her about the text.</p> <p>2 QUESTIONS BY MR. HANLY:</p> <p>3 Q. Can you confirm that there's an</p> <p>4 additional sentence in the document under</p> <p>5 your right hand that does not appear in the</p> <p>6 text of the document under your left hand?</p> <p>7 And that sentence begins,</p> <p>8 "Delayed mu-opioid activity."</p> <p>9 A. Can you tell me again which</p> <p>10 one?</p> <p>11 Q. Yes.</p> <p>12 Okay. Do you see under -- in</p> <p>13 14, which is under your right hand --</p> <p>14 A. Right. Uh-huh.</p> <p>15 Q. -- do you see in that first</p> <p>16 paragraph under Drug Abuse there's an</p> <p>17 underlined sentence that begins -- that reads</p> <p>18 "delayed mu-opioid activity as provided by</p> <p>19 OxyContin tablets is believed to reduce the</p> <p>20 abuse liability of a drug"?</p> <p>21 Do you see that sentence under</p> <p>22 your right hand?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And can you confirm that</p> <p>25 sentence is not in the text under your left</p>



<p style="text-align: right;">Page 142</p> <p>1 hand?</p> <p>2 MS. MONAGHAN: Object to the</p> <p>3 form.</p> <p>4 QUESTIONS BY MR. HANLY:</p> <p>5 Q. Exhibit 13?</p> <p>6 A. Yes, I see what you're pointing</p> <p>7 to.</p> <p>8 Q. Okay. And the sentence in</p> <p>9 Exhibit 14 -- let me ask you this. Well,</p> <p>10 I'll read it first. "Delayed mu-opioid</p> <p>11 activity as provided by OxyContin tablets is</p> <p>12 believed to reduce the abuse liability of a</p> <p>13 drug."</p> <p>14 Do you see that language?</p> <p>15 A. I do.</p> <p>16 Q. Okay. Are you aware of any</p> <p>17 studies that Purdue conducted concerning the</p> <p>18 abuse liability of a controlled-release</p> <p>19 oxycodone product?</p> <p>20 MS. MONAGHAN: Objection.</p> <p>21 QUESTIONS BY MR. HANLY:</p> <p>22 Q. Did Purdue conduct any such</p> <p>23 studies?</p> <p>24 MR. CHEFFO: Objection.</p> <p>25 THE WITNESS: Or did anyone</p>	<p style="text-align: right;">Page 144</p> <p>1 recall.</p> <p>2 Q. Okay. Is the marketing plans</p> <p>3 for OxyContin something you would have been</p> <p>4 interested in at the time?</p> <p>5 MS. MONAGHAN: Objection.</p> <p>6 QUESTIONS BY MR. HANLY:</p> <p>7 Q. In your role as a member of the</p> <p>8 board?</p> <p>9 MS. MONAGHAN: Objection.</p> <p>10 THE WITNESS: It depends what</p> <p>11 you mean by marketing plans.</p> <p>12 QUESTIONS BY MR. HANLY:</p> <p>13 Q. Well, what do you mean by</p> <p>14 marketing plan?</p> <p>15 A. I was --</p> <p>16 MS. MONAGHAN: Objection.</p> <p>17 THE WITNESS: -- referring to</p> <p>18 the language in the paper you showed</p> <p>19 me.</p> <p>20 Oh, no, I wasn't referring to</p> <p>21 the language in the paper you showed</p> <p>22 me. I made a mistake. I'm sorry.</p> <p>23 QUESTIONS BY MR. HANLY:</p> <p>24 Q. That's all right.</p> <p>25 All right. Let's do it --</p>
<p style="text-align: right;">Page 143</p> <p>1 else conduct any studies?</p> <p>2 QUESTIONS BY MR. HANLY:</p> <p>3 Q. Yeah.</p> <p>4 Are you aware of any studies</p> <p>5 whatsoever in which the abuse liability of a</p> <p>6 controlled-release or delayed mu-opioid</p> <p>7 activity drug was studied?</p> <p>8 MS. MONAGHAN: Objection.</p> <p>9 THE WITNESS: I really don't</p> <p>10 know.</p> <p>11 QUESTIONS BY MR. HANLY:</p> <p>12 Q. Okay. Thank you. I'm finished</p> <p>13 with that document.</p> <p>14 A. Okay.</p> <p>15 Q. Did you review, prior to the</p> <p>16 approval on December the 12th, 1995, of</p> <p>17 OxyContin by the FDA, any of the proposed</p> <p>18 marketing plans that Purdue had created for</p> <p>19 OxyContin?</p> <p>20 So prior to the approval, did</p> <p>21 you review any marketing plans?</p> <p>22 A. Not that I can recall. But if</p> <p>23 there were plans presented to the board at</p> <p>24 that time, then I might have seen them in the</p> <p>25 presentation to the board, but I can't</p>	<p style="text-align: right;">Page 145</p> <p>1 let's do it this way.</p> <p>2 A. I think I got confused by the</p> <p>3 two questions.</p> <p>4 Q. I can be very confusing. I'm</p> <p>5 sorry, Doctor.</p> <p>6 A. No, it's not -- I wasn't</p> <p>7 suggesting that.</p> <p>8 (Purdue-Sackler Exhibit 15</p> <p>9 marked for identification.)</p> <p>10 QUESTIONS BY MR. HANLY:</p> <p>11 Q. Exhibit 15.</p> <p>12 A. It's very gracious for you to</p> <p>13 say that.</p> <p>14 Q. I think that's actually a</p> <p>15 double-sided, so I think the second page --</p> <p>16 would you just confirm for me, Doctor,</p> <p>17 there's something on the reverse so I make</p> <p>18 sure that you have --</p> <p>19 A. Yes.</p> <p>20 Q. Yes. Okay.</p> <p>21 So this appears to be --</p> <p>22 Exhibit 15 appears to be a memo dated</p> <p>23 August 28, 1995 --</p> <p>24 A. Uh-huh.</p> <p>25 Q. -- from you to Michael</p>

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1 Friedman, who -- well, was he the CEO in  
 2 1995, if you recall?  
 3 A. You know, dates are not my  
 4 thing --  
 5 Q. All right.  
 6 A. -- but he -- he was the head  
 7 of -- he was the head of marketing and sales  
 8 before he became the CEO.  
 9 Q. Right.  
 10 A. So he might have been in one  
 11 position or the other. I don't know the  
 12 exact date of the transition.  
 13 Q. Okay. And in this memorandum  
 14 referencing just -- referencing the last  
 15 paragraph, though you're free to look at any  
 16 of it you wish, you write to Mr. Friedman,  
 17 "As we now are approaching close to launch,  
 18 would you please provide your proposed  
 19 marketing plan suggesting pricing position  
 20 and most current P&L, profit and loss, pro  
 21 forma for the years 1-5 post launch."  
 22 Do you see that?  
 23 A. Uh-huh. Yep.  
 24 Q. So you were asking to see these  
 25 documents that related, among other things,

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1 to marketing and pricing, correct?  
 2 A. Yes.  
 3 Q. Okay.  
 4 A. Of a new product, yeah, for  
 5 sure.  
 6 Q. And the marketing --  
 7 A. That would be presented to the  
 8 board.  
 9 Q. Of which you were a member?  
 10 A. Yeah.  
 11 Q. All right. And the  
 12 marketing -- any marketing plan for a  
 13 prescription medication has got to be  
 14 consistent with the package insert; isn't  
 15 that true?  
 16 A. Absolutely. As far as I know.  
 17 I mean, now that you raised the question, the  
 18 question just ran through my mind. I think  
 19 that any communications that the company,  
 20 through their sales representatives or their  
 21 officers or anyone who works in the company,  
 22 any communications that are made in any --  
 23 whether it's marketing or detailing or, you  
 24 know, other kinds of presentations about --  
 25 about a product, I think it always has to be

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1 consistent with the FDA-approved label.  
 2 Q. Okay. You are aware, are you  
 3 not, that the label -- or the package insert  
 4 for OxyContin was revised in July of 2001?  
 5 MS. MONAGHAN: Object to the  
 6 form.  
 7 THE WITNESS: I'm not aware of  
 8 a date of a revision, but I'm aware  
 9 that the label has been revised a  
 10 number of times over the life of the  
 11 product by -- you know, with the FDA's  
 12 full involvement.  
 13 And I think, you know, it's a  
 14 good thing that labels can be revised  
 15 and that they can change with the  
 16 science and the knowledge as things  
 17 progress, so forth.  
 18 So that's --  
 19 QUESTIONS BY MR. HANLY:  
 20 Q. And the -- well, without regard  
 21 specifically to the date --  
 22 A. Yeah.  
 23 Q. -- you are aware, because I  
 24 believe you referenced it earlier today, that  
 25 at some point there was a so-called black box

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1 warning affixed or inserted into the label or  
 2 package insert for OxyContin, true?  
 3 A. Yes, and there have been some  
 4 revisions on that as well over the years.  
 5 Q. All right. But the black box  
 6 warning was in the label prior to the date on  
 7 which Purdue Pharma pleaded guilty to  
 8 criminal misbranding; isn't that true?  
 9 MS. MONAGHAN: Object to the  
 10 form.  
 11 THE WITNESS: I don't remember  
 12 when the black box label was brought  
 13 into the label -- I mean, the black  
 14 box was brought into the label.  
 15 Do you have the date? I don't  
 16 remember the date --  
 17 QUESTIONS BY MR. HANLY:  
 18 Q. If I suggested to you that it  
 19 was July 18, 2001, would that help you at  
 20 all?  
 21 MS. MONAGHAN: Objection.  
 22 THE WITNESS: Not really.  
 23 QUESTIONS BY MR. HANLY:  
 24 Q. All right.  
 25

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1 A. 2001.  
 2 Q. Do you -- do you --  
 3 A. I don't know.  
 4 Q. Can you place the --  
 5 A. I mean, there are other people  
 6 who know these facts factually and who can  
 7 confirm these facts for you. I'm sorry, I  
 8 don't -- I can't recall when the label  
 9 changed. It's had a black box for a very,  
 10 very long time, but I don't know when that  
 11 first occurred.  
 12 Q. So without regard to the  
 13 specific date, July or August or 2001 or 1999  
 14 or whatever, can you confirm -- and if you  
 15 can't, you just need to say so -- that the  
 16 black box warning was in the label prior to  
 17 the date on which Purdue Pharma pleaded  
 18 guilty to criminal misbranding?  
 19 MS. MONAGHAN: Objection.  
 20 THE WITNESS: I don't know the  
 21 answer to that. I'm sorry.  
 22 QUESTIONS BY MR. HANLY:  
 23 Q. Okay. Thank you.  
 24 A. Okay.  
 25 Q. So Exhibit 15, Doctor, which is

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1 on top of the pile. Exhibit 15.  
 2 A. Oh, this one?  
 3 Q. Yes.  
 4 Can you confirm that you wrote  
 5 that memorandum, or it appears you wrote that  
 6 memorandum, in August of 1995?  
 7 MS. MONAGHAN: Objection.  
 8 THE WITNESS: I didn't read it  
 9 before.  
 10 Can I read it now?  
 11 QUESTIONS BY MR. HANLY:  
 12 Q. Please.  
 13 A. Okay.  
 14 Q. Okay. And that was in --  
 15 dated --  
 16 A. I don't remember the memo, but  
 17 I'll accept that I may have written it for  
 18 sure.  
 19 Q. And it bears a date of August  
 20 the 28th?  
 21 A. Yes.  
 22 Q. 1995?  
 23 A. Yeah.  
 24 Q. Yes?  
 25 A. Yes.

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1 (Purdue-Sackler Exhibit 16  
 2 marked for identification.)  
 3 QUESTIONS BY MR. HANLY:  
 4 Q. All right. So let me show you  
 5 Exhibit 16, please.  
 6 A. Yep.  
 7 Q. And Exhibit 16 is another  
 8 memorandum, also to Mr. Friedman from you,  
 9 regarding the OxyContin marketing plan, and  
 10 this is approximately a month later.  
 11 Do you see that?  
 12 A. Uh-huh.  
 13 Q. September 26?  
 14 A. I guess I didn't get it.  
 15 Q. Apparently not, because you  
 16 write, "Did I miss the OxyContin marketing  
 17 plan? Remember, you told me it was about to  
 18 be issued. May I please have a copy, if  
 19 possible, before we sit down with  
 20 Dr. Mortimer tomorrow?"  
 21 A. Uh-huh.  
 22 Q. Do you see that?  
 23 A. Yes.  
 24 Q. So this --  
 25 A. Sure.

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1 Q. -- indicates, did it not --  
 2 does it not, that you were, as of September  
 3 1995, desirous of receiving a copy of the  
 4 marketing plan, which by this date  
 5 Mr. Friedman had not favored you with a copy?  
 6 A. So this is an example of what I  
 7 was referring to before of my having to chase  
 8 for things because I didn't receive them.  
 9 And even after I asked, sometimes I didn't  
 10 receive them.  
 11 Q. Right.  
 12 You had to chase things that  
 13 you were interested in in your role as a  
 14 board member of the company?  
 15 MS. MONAGHAN: Objection.  
 16 THE WITNESS: I was interested  
 17 in the normal range of matters that a  
 18 director should be interested in.  
 19 So that's a very -- that covers  
 20 a lot of material. I mean, it covers  
 21 a wide range. It's not specific  
 22 individual interests because I am --  
 23 have a focus on something. It's that  
 24 I felt a responsibility as a director  
 25 to inform myself, to be informed about

<p style="text-align: right;">Page 154</p> <p>1 what -- important events in the</p> <p>2 company. And the launch of a new</p> <p>3 product is a very important event for</p> <p>4 any pharmaceutical company.</p> <p>5 QUESTIONS BY MR. HANLY:</p> <p>6 Q. And important --</p> <p>7 A. So --</p> <p>8 Q. -- to the owners of the</p> <p>9 pharmaceutical company, right?</p> <p>10 MS. MONAGHAN: Objection.</p> <p>11 THE WITNESS: Important to</p> <p>12 everyone.</p> <p>13 QUESTIONS BY MR. HANLY:</p> <p>14 Q. Including the owners?</p> <p>15 MS. MONAGHAN: Objection.</p> <p>16 THE WITNESS: Important to</p> <p>17 everyone in their appropriate roles.</p> <p>18 QUESTIONS BY MR. HANLY:</p> <p>19 Q. Did you, in the role that you</p> <p>20 played at Purdue, provide agenda items for</p> <p>21 board of directors meetings?</p> <p>22 A. No.</p> <p>23 MS. MONAGHAN: Objection. Form</p> <p>24 and foundation.</p> <p>25 THE WITNESS: Not typically,</p>	<p style="text-align: right;">Page 156</p> <p>1 September 20 --</p> <p>2 A. No. But you look at the first</p> <p>3 words, "following discussion with</p> <p>4 Dr. Mortimer." This is Dr. Mortimer's</p> <p>5 suggestion of agenda items that I'm conveying</p> <p>6 to Stuart on his behalf. It says so.</p> <p>7 "Following discussion with</p> <p>8 Dr. Mortimer, I am writing to ask that the</p> <p>9 following items be added to the agenda for</p> <p>10 the next board meeting."</p> <p>11 Q. Well, it doesn't say that it's</p> <p>12 only Dr. Mortimer, does it? It doesn't say</p> <p>13 that?</p> <p>14 A. Sorry?</p> <p>15 MS. MONAGHAN: Object to the</p> <p>16 form. The document speaks for itself.</p> <p>17 THE WITNESS: But that was my</p> <p>18 role. I didn't make this up.</p> <p>19 QUESTIONS BY MR. HANLY:</p> <p>20 Q. You provided to Mr. Baker -- by</p> <p>21 the way, what was Mr. Baker's role with</p> <p>22 respect to a board of directors meeting?</p> <p>23 A. He was the secretariat of the</p> <p>24 board.</p> <p>25 Q. All right.</p>
<p style="text-align: right;">Page 155</p> <p>1 no. You may find an example that I</p> <p>2 did. I don't know. You have</p> <p>3 information I don't have. But, no, I</p> <p>4 don't remember that being my role.</p> <p>5 That was Stuart Baker's role</p> <p>6 and management's role. Stuart was</p> <p>7 liaison with management, so that would</p> <p>8 happen, you know, from management to</p> <p>9 Stuart to board agenda.</p> <p>10 (Purdue-Sackler Exhibit 17</p> <p>11 marked for identification.)</p> <p>12 QUESTIONS BY MR. HANLY:</p> <p>13 Q. Well, let me show you a memo</p> <p>14 dated August 28 --</p> <p>15 A. It doesn't mean I couldn't</p> <p>16 suggest something.</p> <p>17 Q. -- August 28, 1995, Exhibit</p> <p>18 Number 17, which is a memorandum from you to</p> <p>19 the very same Stuart Baker.</p> <p>20 Do you see that?</p> <p>21 A. Uh-huh.</p> <p>22 Q. Yes? Is that a yes, ma'am?</p> <p>23 A. Yes. Sorry, yes.</p> <p>24 Q. And this -- the re: line of</p> <p>25 this is board of directors meeting,</p>	<p style="text-align: right;">Page 157</p> <p>1 A. And the liaison between the</p> <p>2 directors and management.</p> <p>3 Q. Okay. And in this document you</p> <p>4 set forth a number of items, 11 in all, that</p> <p>5 you were informing Mr. Baker would be on the</p> <p>6 agenda for this meeting; is that true?</p> <p>7 A. No.</p> <p>8 MS. MONAGHAN: Objection to the</p> <p>9 form.</p> <p>10 THE WITNESS: I was informing</p> <p>11 Mr. Baker of the items that my father</p> <p>12 wished to have on the agenda. That's</p> <p>13 what this says, as far as I can</p> <p>14 recall.</p> <p>15 QUESTIONS BY MR. HANLY:</p> <p>16 Q. And were any -- were any of</p> <p>17 these agenda items yours, your ideas?</p> <p>18 MS. MONAGHAN: Objection.</p> <p>19 THE WITNESS: Should I read it?</p> <p>20 Because I can't answer that. I</p> <p>21 haven't read it yet.</p> <p>22 QUESTIONS BY MR. HANLY:</p> <p>23 Q. Right. So why don't you --</p> <p>24 A. Totally.</p> <p>25 Q. You can read what --</p>



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1 A. I mean, I skimmed it, but I'll  
 2 read it.  
 3 Q. You can read whatever you want,  
 4 but I draw your attention to Item Number 4.  
 5 A. Item 4?  
 6 Q. Yes.  
 7 A. Okay.  
 8 Yes, I see that.  
 9 Q. Right.  
 10 This reflects, does it not,  
 11 that you were -- you had some sort of a  
 12 proposal regarding an opportunity with  
 13 respect to an entity called Immunogen?  
 14 A. No. What this represents is --  
 15 this represents my desire for the board to  
 16 conduct a postmortem of an opportunity called  
 17 Immunogen and to -- in that analysis and  
 18 discussion to establish better guidelines --  
 19 or to establish guidelines for due diligence  
 20 workup of development -- of product  
 21 development opportunities and how they're  
 22 presented to the board. I had some thoughts  
 23 about that.  
 24 Q. Right.  
 25 So, well, this reflects you had

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1 a proposal actually for the -- for these  
 2 guidelines for staging of due diligence work,  
 3 right? That's what it says?  
 4 A. You know, I see the word  
 5 "proposal," but I don't know that I  
 6 actually -- whether it was a written proposal  
 7 or whether it was more a -- ideas to share  
 8 with the other directors and engage in a  
 9 collegial discussion about how we could stage  
 10 due diligence in a way that would bring  
 11 opportunities for -- that were studied in a  
 12 more -- subjected to critical analysis and  
 13 that that analysis could be shared with the  
 14 board rather than -- when product  
 15 opportunities come to the board very often,  
 16 they would be more in the form of having  
 17 already been worked through and the business  
 18 development team wanting to seek an approval  
 19 of the board.  
 20 Q. The word "proposal" --  
 21 A. Yeah.  
 22 Q. -- that appears here --  
 23 A. Uh-huh.  
 24 Q. -- this is your writing, right?  
 25 MS. MONAGHAN: Objection.

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1 QUESTIONS BY MR. HANLY:  
 2 Q. I mean, you chose the word  
 3 "proposal"?  
 4 A. There's nothing wrong with the  
 5 word "proposal."  
 6 Q. That wasn't my question.  
 7 You chose the word "proposal,"  
 8 right?  
 9 I mean, you did compose this  
 10 document, did you not?  
 11 MS. MONAGHAN: Objection.  
 12 THE WITNESS: I don't remember.  
 13 I can't say I did or didn't, but I --  
 14 I might have.  
 15 QUESTIONS BY MR. HANLY:  
 16 Q. Well, you certainly --  
 17 A. I don't remember the document.  
 18 I've been told that I should only -- that I  
 19 should honestly answer your questions to the  
 20 best of my recollection, so I'm trying to do  
 21 that, okay, if you would be a little patient  
 22 with me.  
 23 Q. You did remember this Immunogen  
 24 opportunity, though?  
 25 A. I don't remember the

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1 opportunity, actually.  
 2 Q. All right. You remember the  
 3 postmortem?  
 4 A. Well, I...  
 5 Q. And if you don't --  
 6 A. Not in content. I remember it  
 7 conceptually that this was an issue -- that a  
 8 number of directors were concerned that --  
 9 that -- were concerned to try to raise the  
 10 standard of practice of how due diligence was  
 11 developed and how product opportunities were  
 12 presented to the board. That's what this  
 13 attempted to do.  
 14 So my proposal was to -- for  
 15 the board to engage in that task together to  
 16 do that. I don't know if it was written or  
 17 verbal, but I cannot recall that part.  
 18 Q. You recall -- I'm finished with  
 19 that, Doctor.  
 20 A. Okay.  
 21 MS. MONAGHAN: I'm just going  
 22 to note, for the record, that it was  
 23 an incomplete examination of the  
 24 document in question and that it  
 25 should be considered in its entirety.

<p style="text-align: right;">Page 162</p> <p>1 QUESTIONS BY MR. HANLY:</p> <p>2 Q. Doctor, do you recall that</p> <p>3 there was at one time a joint venture</p> <p>4 agreement between Purdue and Abbott</p> <p>5 Laboratories with respect to OxyContin?</p> <p>6 A. Yes.</p> <p>7 MS. MONAGHAN: Objection.</p> <p>8 QUESTIONS BY MR. HANLY:</p> <p>9 Q. And do you recall that that</p> <p>10 agreement -- that the essence of that joint</p> <p>11 venture was that Abbott would promote and</p> <p>12 attempt to sell OxyContin to hospitals?</p> <p>13 MR. CHEFFO: Objection.</p> <p>14 THE WITNESS: Yes. That was an</p> <p>15 agreement that Michael Friedman</p> <p>16 established when he was running</p> <p>17 marketing and sales, I believe.</p> <p>18 QUESTIONS BY MR. HANLY:</p> <p>19 Q. Okay. And was that agreement</p> <p>20 referred to as a co-promotion agreement, if</p> <p>21 you recall?</p> <p>22 MS. MONAGHAN: Objection.</p> <p>23 THE WITNESS: Now you're</p> <p>24 getting into a little of detail --</p> <p>25 MS. MONAGHAN: Form.</p>	<p style="text-align: right;">Page 164</p> <p>1 remember it. Not in great detail, it</p> <p>2 was a long time ago, but -- but I'm</p> <p>3 not sure -- I don't remember if I ever</p> <p>4 saw the actual contract, which is what</p> <p>5 you're asking me, right?</p> <p>6 QUESTIONS BY MR. HANLY:</p> <p>7 Q. Yes.</p> <p>8 A. I don't recall.</p> <p>9 (Purdue-Sackler Exhibit 18</p> <p>10 marked for identification.)</p> <p>11 QUESTIONS BY MR. HANLY:</p> <p>12 Q. Let me show you Exhibit 18.</p> <p>13 A. Sure.</p> <p>14 Q. Thank you.</p> <p>15 This is -- appears to be a memo</p> <p>16 from you to your father, Dr. Mortimer</p> <p>17 Sackler, February 15, 1996. The subject is</p> <p>18 Abbott co-promotion OxyContin.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And it's says -- the first</p> <p>22 sentence says, "The agreement with Abbott</p> <p>23 calls for Abbott to commence promotion effort</p> <p>24 within 60 days of execution, January 25,</p> <p>25 1996, but no later than March 1, 1996."</p>
<p style="text-align: right;">Page 163</p> <p>1 THE WITNESS: -- I can't speak</p> <p>2 to, but I -- I'm not even sure that</p> <p>3 that -- whether that came to the board</p> <p>4 or didn't come to the board. It might</p> <p>5 have come to the board or it might</p> <p>6 have just been a management initiative</p> <p>7 and decision, because it was -- I</p> <p>8 think they were restricted in the</p> <p>9 agreement to only selling in</p> <p>10 hospitals.</p> <p>11 QUESTIONS BY MR. HANLY:</p> <p>12 Q. Did you --</p> <p>13 A. Yeah.</p> <p>14 Q. Did you as -- as -- withdrawn.</p> <p>15 Did you have -- did you review</p> <p>16 the co-promotion agreement or the joint</p> <p>17 venture agreement between Purdue and Abbott?</p> <p>18 MS. MONAGHAN: Object to the</p> <p>19 form.</p> <p>20 THE WITNESS: I don't remember</p> <p>21 if I ever read the documents or if it</p> <p>22 was before it was agreed or after it</p> <p>23 was agreed or if I only learned about</p> <p>24 it at a board meeting.</p> <p>25 I knew -- I know about it. I</p>	<p style="text-align: right;">Page 165</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Does this suggest to you that</p> <p>4 you had familiarity with that agreement?</p> <p>5 MS. MONAGHAN: Objection.</p> <p>6 Form.</p> <p>7 THE WITNESS: Well, I said I</p> <p>8 had familiarity.</p> <p>9 QUESTIONS BY MR. HANLY:</p> <p>10 Q. Okay.</p> <p>11 A. I just said I didn't -- I don't</p> <p>12 know if I actually read the contract. I'm</p> <p>13 sorry, maybe I'm being too literal in some of</p> <p>14 your questions.</p> <p>15 Q. How long did that agreement</p> <p>16 last, to your knowledge, if you know?</p> <p>17 MS. MONAGHAN: Object to the</p> <p>18 form.</p> <p>19 THE WITNESS: I don't remember.</p> <p>20 I mean, I think more than a year but</p> <p>21 maybe less than three, something in</p> <p>22 that ballpark. I don't know exactly.</p> <p>23 You know, Abbott was very</p> <p>24 well-known for their -- they're a very</p> <p>25 good company. Gone now.</p>

<p style="text-align: right;">Page 166</p> <p>1 QUESTIONS BY MR. HANLY:</p> <p>2 Q. Do you recall steps taken in</p> <p>3 the late 1990s attempting to have OxyContin</p> <p>4 approved for sale in Germany?</p> <p>5 MS. MONAGHAN: Object to the</p> <p>6 form.</p> <p>7 THE WITNESS: Late 1990s?</p> <p>8 QUESTIONS BY MR. HANLY:</p> <p>9 Q. Yeah, around 1997.</p> <p>10 A. I know it was approved in</p> <p>11 Germany, but I don't remember the dating of</p> <p>12 when that was.</p> <p>13 Q. All right. Do you recall</p> <p>14 whether it was scheduled in Germany as a</p> <p>15 narcotic?</p> <p>16 MS. MONAGHAN: Object to the</p> <p>17 form.</p> <p>18 QUESTIONS BY MR. HANLY:</p> <p>19 Q. The equivalent of a C-II in the</p> <p>20 United States?</p> <p>21 A. Yeah.</p> <p>22 MS. MONAGHAN: Objection.</p> <p>23 THE WITNESS: My</p> <p>24 understanding -- my recollection --</p> <p>25 this is foggy, it's a long time, but</p>	<p style="text-align: right;">Page 168</p> <p>1 anything to get it unscheduled?</p> <p>2 Q. I'm asking you whether the</p> <p>3 company took -- in connection with the</p> <p>4 process of getting OxyContin approved in</p> <p>5 Germany, whether the company took any steps</p> <p>6 to attempt to have it classified as a</p> <p>7 non-narcotic.</p> <p>8 MS. MONAGHAN: Objection.</p> <p>9 THE WITNESS: I don't recall</p> <p>10 ever hearing about that.</p> <p>11 One thing I heard about was</p> <p>12 that I heard, as I was saying, that</p> <p>13 there was a very limited number of</p> <p>14 tablets, like two or three or</p> <p>15 something, and that there was a</p> <p>16 review -- it was so vague, I don't</p> <p>17 know if this is helpful.</p> <p>18 But when it was -- the BfArM,</p> <p>19 which is like our FDA, in Germany it</p> <p>20 is called the BfArM. When they</p> <p>21 reviewed this -- and this is just</p> <p>22 hearsay to me because I was not</p> <p>23 directly involved in this. But I</p> <p>24 think at some time, I don't know if it</p> <p>25 was before the launch, during the</p>
<p style="text-align: right;">Page 167</p> <p>1 my recollection is that -- my</p> <p>2 recollection in Germany is that there</p> <p>3 were -- I don't know if they had a</p> <p>4 class the way we have, you know,</p> <p>5 Class II. I don't know if they had</p> <p>6 class designations for different</p> <p>7 pharmaceuticals, but I know they had</p> <p>8 very -- very clear regulations as to</p> <p>9 how opioids could be prescribed in</p> <p>10 terms of prescription guidelines or</p> <p>11 regulations. But I don't know what</p> <p>12 they called them, and I don't know if</p> <p>13 there was any overall classification</p> <p>14 of opioids. I don't recall that, I'm</p> <p>15 sorry.</p> <p>16 QUESTIONS BY MR. HANLY:</p> <p>17 Q. Do you recall any efforts on</p> <p>18 the part of your company, Purdue, to have</p> <p>19 OxyContin uncontrolled in Germany, meaning</p> <p>20 scheduled as a non-narcotic drug?</p> <p>21 MS. MONAGHAN: Objection.</p> <p>22 QUESTIONS BY MR. HANLY:</p> <p>23 Q. Do you recall any such efforts?</p> <p>24 A. So it was a nar -- it was</p> <p>25 scheduled and you're asking if we did</p>	<p style="text-align: right;">Page 169</p> <p>1 launch, a number of years after the</p> <p>2 launch, but at some point they decided</p> <p>3 to change the number of tablets that a</p> <p>4 doctor could write for it because it</p> <p>5 was so restrictive that patients were</p> <p>6 going back and forth and back and</p> <p>7 forth to their doctor all the time</p> <p>8 beyond what was in -- I guess in their</p> <p>9 view reasonable.</p> <p>10 But that's the only thing I</p> <p>11 heard of in Germany that was a change</p> <p>12 in -- that was in prescription</p> <p>13 regulation, not in classification.</p> <p>14 (Purdue-Sackler Exhibit 19</p> <p>15 marked for identification.)</p> <p>16 QUESTIONS BY MR. HANLY:</p> <p>17 Q. I'm going to show you</p> <p>18 Exhibit 19, Doctor. This is a couple of</p> <p>19 e-mail chain -- a couple of e-mails in a</p> <p>20 chain.</p> <p>21 And I'd like you to look first</p> <p>22 at the second page of the document, the</p> <p>23 message that begins, "Dear Bob," the author</p> <p>24 apparently someone named Walter Wimmer.</p> <p>25 A. Am I on the --</p>

<p style="text-align: right;">Page 170</p> <p>1 Q. The second page, please.  2 A. Can I just orient myself,  3 please?  4 Q. Of course.  5 MS. MONAGHAN: Oh, the second  6 page? Because it's --  7 QUESTIONS BY MR. HANLY:  8 Q. Oh, I'm sorry, the third page.  9 I didn't realize it was a two-sided copy.  10 Page number 3 at the bottom.  11 A. Okay.  12 Q. So if you look at page  13 number 3 --  14 A. Yes.  15 Q. -- of the document, I'm going  16 to ask you some questions about the Walter  17 Wimmer e-mail.  18 A. Okay.  19 Q. Okay? First of all, do you  20 know Walter Wimmer, or did you know him?  21 A. Yes. He was the general  22 manager of Mundipharma Germany.  23 Q. Okay. And he says in this  24 e-mail that apparently, if you look at the  25 very first page, was to Dr. Robert Kaiko and</p>	<p style="text-align: right;">Page 172</p> <p>1 he does see a 50 percent chance to get  2 OxyContin off the narcotic drug status  3 provided you could give some information on  4 the very low abuse potential of our CR,"  5 control release, "formulation."  6 Do you see that?  7 A. I don't think that ever  8 happened.  9 Q. Well, did I read that sentence  10 correctly?  11 A. Yeah.  12 Q. Okay. And then in the next  13 paragraph he continues, "The non-narcotic  14 status of OxyContin would mean a vast  15 increase of the market potential in Germany  16 because we could then, like PF in the USA,  17 broaden the use of OxyContin to nonmalignant,  18 especially arthritic pain."  19 Do you see that?  20 A. Yes.  21 Q. Okay. Now, if you turn back to  22 the page number 2, there's an e-mail from  23 Dr. Robert Kaiko at the -- at the bottom of  24 that page.  25 Do you see that one?</p>
<p style="text-align: right;">Page 171</p> <p>1 others...  2 Mr. -- is it Mr. Wimmer or  3 Dr. Wimmer?  4 A. Mister.  5 Q. Mr. Wimmer says, "Dear Bob, I'm  6 referring" --  7 MS. MONAGHAN: Objection to the  8 characterization of the document.  9 Go ahead.  10 QUESTIONS BY MR. HANLY:  11 Q. The last e-mail on the document  12 says, "Dear Bob, I'm referring to the telecon  13 that you had with our registration officer,  14 Matthias Görich, to prepare the meeting with  15 the BfArM on March 7, 1997."  16 The BfArM is the -- I think you  17 said --  18 A. BfArM.  19 Q. -- is -- BfArM is the German  20 equivalent of the FDA?  21 A. Yes.  22 Q. All right. And the second  23 paragraph, Mr. Wimmer writes, "In the course  24 of this conversation, he explained to you  25 that due to his discussions with the BfArM,</p>	<p style="text-align: right;">Page 173</p> <p>1 A. Yes.  2 Q. Also regarding OxyContin.  3 And Dr. Kaiko says, "While my  4 thinking is still developing, frankly, I am  5 very concerned, and I would have to recommend  6 against the uncontrolled/but monitored  7 proposal at this time, perhaps if only to  8 make sure the risks are appreciated and  9 accepted before we proceed as proposed."  10 And then if you go down to  11 item --  12 A. So -- yeah.  13 Q. If you go down to item B,  14 Dr. Kaiko says, "I don't believe we have a  15 sufficiently strong case to argue that  16 OxyContin has minimal/or no abuse liability.  17 In the US, oxycodone-containing products were  18 once less controlled than now; abuse resulted  19 in greater controls. Oxycodone-containing  20 products are still among the most abused  21 opioids in the US."  22 A. So that's the scientist  23 speaking as opposed to the corporate,  24 market-oriented, general manager speaking.  25 Q. Right.</p>



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1 So you would agree that at this  
2 time Purdue had no studies showing that  
3 OxyContin or any controlled-release oxycodone  
4 had a reduced abuse liability, right?  
5 MR. CHEFFO: Objection to form.  
6 MS. MONAGHAN: Object to the  
7 form.  
8 THE WITNESS: I couldn't say.  
9 I don't know.  
10 QUESTIONS BY MR. HANLY:  
11 Q. You would say that Dr. Kaiko  
12 was one of those medical experts, right?  
13 A. Are you asking me a question?  
14 Q. Yes.  
15 A. What is your question?  
16 Q. My question is: Was Dr. Kaiko  
17 a medical expert?  
18 A. Dr. Kaiko is a medical expert.  
19 Q. Thank you.  
20 How about Dr. Goldenheim? Is  
21 he a medical expert; do you think?  
22 A. No. I don't think he's -- I  
23 don't consider him a medical expert. He's a  
24 physician who has a good number of years'  
25 experience at this point, certainly, in

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1 pharmaceuticals, but when he came to work for  
2 us, he came directly from his clinical work  
3 at Harvard, at Beth Israel in Boston. He was  
4 a pulmonologist. He ran the pulmonary  
5 clinic.  
6 Q. But during his tenure at  
7 Purdue, Dr. Kaiko -- Dr. Goldenheim became  
8 very familiar with the characteristics of the  
9 drug OxyContin, right?  
10 MR. CHEFFO: Objection.  
11 MS. MONAGHAN: Object to the  
12 form.  
13 THE WITNESS: I don't know what  
14 his state of knowledge was about  
15 OxyContin, but I know that Bob Kaiko  
16 was both a research scientist and an  
17 academician with a history of having  
18 worked at Sloan Kettering and places  
19 of that stature, taking care of  
20 patients and doing research. And I  
21 considered him a very scientifically  
22 oriented person, a deep knowledge in  
23 science.  
24 QUESTIONS BY MR. HANLY:  
25 Q. After the approval of the NDA

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1 for OxyContin on December the 12th, 1995, and  
2 before the black box warning in the -- in the  
3 label, did Purdue take any steps to have the  
4 label revised in order to reflect that the  
5 company had no abuse liability studies?  
6 MS. MONAGHAN: Objection.  
7 MR. CHEFFO: Objection. Form.  
8 QUESTIONS BY MR. HANLY:  
9 Q. You may answer.  
10 MS. MONAGHAN: I'm not  
11 instructing you not to answer.  
12 THE WITNESS: Oh, okay.  
13 MS. MONAGHAN: So if you  
14 know the answer and you're not --  
15 THE WITNESS: Can you repeat  
16 the question?  
17 QUESTIONS BY MR. HANLY:  
18 Q. Yes, of course.  
19 After approval of the NDA for  
20 OxyContin on December 12, 1995, and before  
21 the black box warning in the label, did  
22 Purdue take any steps --  
23 A. Do you know when the date is of  
24 that second event?  
25 Q. July 18, 2001.

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1 A. July 18, 2001.  
2 Q. Right.  
3 A. Okay.  
4 Q. So the question is between --  
5 A. Between '95 and 2001.  
6 Q. -- '95 and 2001, whether Purdue  
7 took any steps to have the label for  
8 OxyContin changed to reflect that the company  
9 had no abuse liability studies and was aware  
10 of no abuse liability studies?  
11 MR. CHEFFO: Objection. Form.  
12 Foundation.  
13 MS. MONAGHAN: Objection. Lack  
14 of foundation.  
15 MR. CHEFFO: Asked and  
16 answered.  
17 THE WITNESS: I don't even -- I  
18 think at that very early date, I mean,  
19 I don't know that -- that the  
20 knowledge or the experience with the  
21 medicine was at a point that that even  
22 came up in the minds of the FDA or the  
23 company or anyone else.  
24 I think it's -- as abuse became  
25 recognized as a problem for -- you

<p style="text-align: right;">Page 178</p> <p>1 know, that OxyContin was being abused  2 and -- it was through that then that  3 led to -- then there was a label  4 revision and there was a black box  5 added and there was other -- there was  6 other language changes also. I don't  7 know exactly what they were.  8 QUESTIONS BY MR. HANLY:  9 Q. Okay.  10 A. But I think it's been an  11 evolving picture over all these years.  12 Q. Right.  13 So before OxyContin was  14 approved in 1995, am I correct that the  15 essence of what you're telling us is that the  16 company didn't do any studies to determine  17 whether OxyContin would have a diminished  18 abuse liability?  19 MR. CHEFFO: Objection. Form.  20 Foundation. Asked and answered.  21 MS. MONAGHAN: Objection.  22 Asked and answered.  23 MR. CHEFFO: Five times now.  24 THE WITNESS: I wouldn't say  25 that because I have no knowledge to</p>	<p style="text-align: right;">Page 180</p> <p>1 don't understand that.  2 Q. You don't?  3 A. No.  4 MS. MONAGHAN: I'm just going  5 to note we've been going a little over  6 an hour and ask if now is a good time  7 for a break.  8 MR. HANLY: That's fine.  9 VIDEOGRAPHER: Okay. Remove  10 your microphones. The time is  11 3:05 p.m. Going off the record.  12 (Off the record at 3:05 p.m.)  13 VIDEOGRAPHER: Okay. We are  14 back on the record. The time is  15 3:22 p.m.  16 MR. STEWART: You guys, I want  17 to make an announcement for the record  18 based on our conversations on the  19 break. This is Mike Stewart,  20 Tennessee plaintiff's counsel.  21 I spoke with counsel for  22 Dr. Sackler during the break and was  23 told that despite being properly  24 noticed by a Tennessee notice of  25 deposition, Dr. Sackler is refusing to</p>
<p style="text-align: right;">Page 179</p> <p>1 say that from.  2 QUESTIONS BY MR. HANLY:  3 Q. Okay. So you don't know one  4 way or the other?  5 A. I don't.  6 Q. Okay.  7 A. But at the same time, I mean,  8 it's -- I think that -- you're trying to  9 understand -- I think it was -- I think  10 everyone understands. I think everyone  11 understands that there's abuse liability with  12 a narcotic product. I think that's true of  13 all narcotic products.  14 Q. Well, isn't --  15 A. So I'm not sure what it is  16 you're reaching for.  17 Q. Do you understand that Purdue  18 marketed OxyContin as having a lesser abuse  19 liability than other narcotic drugs --  20 MS. MONAGHAN: Objection.  21 MR. CHEFFO: Objection.  22 QUESTIONS BY MR. HANLY:  23 Q. -- as a consequence of the  24 control release feature?  25 A. No, I'm not aware -- no, I</p>	<p style="text-align: right;">Page 181</p> <p>1 stay for her deposition today.  2 Defense counsel has also  3 refused my offer of putting forward an  4 alternative date by agreement.  5 Counsel for Dr. Sackler did not  6 meet and confer appropriately to alter  7 this date, did not seek a protective  8 order from the Tennessee court as  9 counsel for Dr. Sackler could have.  10 This conduct is sanctionable  11 under Tennessee law. We will seek to  12 enforce our rights with the Court.  13 And in the spirit of  14 cooperation, we had proposed only to  15 take three hours of Dr. Sackler of  16 testimony today. Obviously that's  17 withdrawn, and we'll just pursue all  18 of our rights under the Tennessee  19 Rules of Civil Procedure.  20 MS. MONAGHAN: And for the  21 record, this is Maura Monaghan on  22 behalf of Dr. Sackler. We properly  23 objected to the cross-notice. The  24 Tennessee court has no jurisdiction  25 over Dr. Sackler. And our objection</p>

<p style="text-align: right;">Page 182</p> <p>1 was properly communicated to counsel 2 for Tennessee by the plaintiff's {sic} 3 counsel, and we reserve all of our 4 rights. 5 QUESTIONS BY MR. HANLY: 6 Q. Dr. Sackler, do you agree that 7 the analgesic relationship between morphine 8 and oxycodone is a 2 to 1 relationship, such 9 that oxycodone is twice as powerful as 10 morphine? 11 A. That's my understanding. 12 MS. MONAGHAN: Objection to 13 form. 14 THE WITNESS: Yes. 15 QUESTIONS BY MR. HANLY: 16 Q. Are you aware of an effort by 17 Purdue to avoid correcting a misapprehension 18 among physicians concerning that 2 to 1 19 relationship? 20 MR. CHEFFO: Objection. 21 MS. MONAGHAN: Objection. 22 THE WITNESS: No. 23 (Purdue-Sackler Exhibit 20 24 marked for identification.) 25</p>	<p style="text-align: right;">Page 184</p> <p>1 severe cancer pain patients, it has actually 2 had a positive effect with physicians' use in 3 noncancer pain. 4 "Since oxycodone is perceived 5 as being a quote, weaker, opioid than 6 morphine, it has resulted in OxyContin being 7 used much earlier for noncancer pain. 8 Physicians are positioning this product where 9 Percocet, hydrocodone and Tylenol with 10 codeine have been traditionally used. 11 "Since the noncancer pain 12 market is much greater than the cancer pain 13 market, it is important that we allow this 14 product to be positioned where it currently 15 is in the physician's mind." 16 Did I appear to read all that 17 correctly? 18 A. Yes, word for word. 19 Q. Okay. And what's being 20 reflected here is that Mr. Cullen is 21 conveying that there is an incorrect 22 perception among physicians with respect to 23 this 2 to 1 ratio, right? 24 MS. MONAGHAN: Object to the 25 form.</p>
<p style="text-align: right;">Page 183</p> <p>1 QUESTIONS BY MR. HANLY: 2 Q. All right. I'll place before 3 you Exhibit 20 to your deposition, which is 4 a -- appears to be an e-mail from a Michael 5 Cullen, June 2, 1997, to a number of people, 6 including Dr. Kathe Sackler. Subject is 7 OxyContin team meeting minutes. 8 Do you see that -- 9 A. Yes. 10 Q. -- at the top? 11 Okay. So I'm going to read 12 portions of this into the record and ask you 13 a couple of questions. 14 It begins, "In recent team 15 meetings, we have discussed the issue that 16 OxyContin is perceived by some physicians, 17 particularly oncologists, as not being as 18 strong as MS-Contin." 19 Let me pause there. 20 MS-Contin, again, is morphine 21 sulfate? 22 A. Correct. 23 Q. Continuing. "Although this 24 perception has had some effect with 25 physicians switching to MS-Contin with more</p>	<p style="text-align: right;">Page 185</p> <p>1 QUESTIONS BY MR. HANLY: 2 Q. If you look at the second 3 paragraph I read, he says, "Since oxycodone 4 is perceived as being a weaker opioid than 5 morphine" -- let me just focus on that. 6 You just told me that that's 7 not true, that it's a 2 to 1 in the other 8 direction, right? 9 MS. MONAGHAN: Objection. 10 THE WITNESS: I think there's 11 confusion here. I think there's 12 confusion here because -- well, for 13 me, weaker, stronger, has to do with 14 dose, and I think what you're 15 suggesting is that -- I guess what 16 seems to be confused is the question 17 of potency versus the question of 18 dose -- dosage, for one. 19 Because you can have a more 20 potent opioid in a lower dose or you 21 can have a weaker opioid in a higher 22 dose, and the ultimate strength of 23 that medicine will depend not only on 24 potency but also on dose. You can't 25 separate them, really, as I understand</p>

<p style="text-align: right;">Page 186</p> <p>1 it.</p> <p>2 QUESTIONS BY MR. HANLY:</p> <p>3 Q. But it is the case --</p> <p>4 A. But I hear what you're saying.</p> <p>5 Q. Well, it is the case, though,</p> <p>6 Doctor, taking 10 milligrams of morphine</p> <p>7 sulfate has the analgesic potency of 5</p> <p>8 milligrams of oxycodone?</p> <p>9 A. Correct. It's equally</p> <p>10 analgesic to 5 milligrams. That's the term</p> <p>11 you would use, yeah.</p> <p>12 Q. Yes. Okay. Thank you.</p> <p>13 A. Okay.</p> <p>14 Q. And at the bottom of this</p> <p>15 e-mail it states -- and I'll read this into</p> <p>16 the record -- "It is important that we be</p> <p>17 careful not to change the perception of</p> <p>18 physicians towards oxycodone when developing</p> <p>19 promotional pieces, symposia, review</p> <p>20 articles, studies, et cetera."</p> <p>21 Did I read that correctly?</p> <p>22 A. Yes. But, I mean, are you</p> <p>23 suggest -- okay. I won't. I'll wait for the</p> <p>24 next question. Sorry.</p> <p>25 Q. Okay. Well, you were -- you</p>	<p style="text-align: right;">Page 188</p> <p>1 OxyContin team meeting, the OxyContin team is</p> <p>2 the team engaged in marketing, right?</p> <p>3 A. I don't know what that means.</p> <p>4 I don't recognize that.</p> <p>5 Q. Okay. Do you recognize the</p> <p>6 phrase "OxyContin phase IV team"?</p> <p>7 A. Phase IV? Yeah. Phase IV</p> <p>8 studies are studies that are done for a</p> <p>9 product after it's been launched. And they</p> <p>10 can be either studies that are agreed with</p> <p>11 the FDA as part of the FDA approval and</p> <p>12 oversight, or they can be studies initiated</p> <p>13 by the company without the FDA.</p> <p>14 Q. All right. Do you agree</p> <p>15 that -- withdrawn.</p> <p>16 Do you recall actually taking</p> <p>17 steps to save this e-mail in your own files</p> <p>18 as opposed to just receiving it via e-mail?</p> <p>19 Do you recall taking steps to</p> <p>20 actually save it somewhere?</p> <p>21 MS. MONAGHAN: Objection.</p> <p>22 THE WITNESS: I don't even</p> <p>23 recall seeing this e-mail or reading</p> <p>24 this e-mail. I'm sorry.</p> <p>25</p>
<p style="text-align: right;">Page 187</p> <p>1 were -- you were copied on this. Actually,</p> <p>2 it's to you and a bunch of other people.</p> <p>3 Do you see that?</p> <p>4 A. 20 other people.</p> <p>5 Q. Right?</p> <p>6 A. Yeah.</p> <p>7 Q. Including Dr. Goldenheim?</p> <p>8 A. And you see how I'm -- I'm one</p> <p>9 of the last copies.</p> <p>10 Q. Well, but you're before</p> <p>11 Dr. Richard.</p> <p>12 A. It's probably a mistake.</p> <p>13 MS. MONAGHAN: Just going to</p> <p>14 say, I think it's in alphabetical</p> <p>15 order.</p> <p>16 THE WITNESS: Oh, there you go.</p> <p>17 Is it? Wow. No, not really.</p> <p>18 MS. MONAGHAN: It's A, C, D, H.</p> <p>19 THE WITNESS: Maybe it is.</p> <p>20 QUESTIONS BY MR. HANLY:</p> <p>21 Q. Now, do you see -- do you see</p> <p>22 that the date of this is -- do you see the</p> <p>23 date of this is June 2, 1997?</p> <p>24 A. Yes.</p> <p>25 Q. All right. And by the way, the</p>	<p style="text-align: right;">Page 189</p> <p>1 QUESTIONS BY MR. HANLY:</p> <p>2 Q. Okay.</p> <p>3 A. 1997. It was a Monday,</p> <p>4 June 2nd. I don't recall.</p> <p>5 (Purdue-Sackler Exhibit 21</p> <p>6 marked for identification.)</p> <p>7 QUESTIONS BY MR. HANLY:</p> <p>8 Q. Okay. Let me show you</p> <p>9 Exhibit 21 to your deposition, Doctor.</p> <p>10 A. Yeah.</p> <p>11 Q. You can keep that one side by</p> <p>12 side.</p> <p>13 A. Yeah.</p> <p>14 Q. Am I correct that Exhibit 21 is</p> <p>15 an e-mail you sent to yourself in August</p> <p>16 of 1997 which pasted, if you will, the entire</p> <p>17 e-mail in Exhibit -- the text of the e-mail</p> <p>18 in Exhibit 20?</p> <p>19 Do you see that those two</p> <p>20 groups of paragraphs are identical?</p> <p>21 A. I do, but I don't understand</p> <p>22 why I have an e-mail to myself.</p> <p>23 Q. Do you maintain -- did you</p> <p>24 maintain at Purdue a personal chrono file of</p> <p>25 e-mails?</p>



<p style="text-align: right;">Page 190</p> <p>1 A. Back in 1997?</p> <p>2 Q. Yes.</p> <p>3 A. I don't even remember which</p> <p>4 operating system we were using in 1997. I'm</p> <p>5 sorry, that's a long time ago.</p> <p>6 Q. Okay.</p> <p>7 A. I can't recall that, but --</p> <p>8 Q. All right.</p> <p>9 A. I mean, I guess what you're</p> <p>10 suggesting is that I sent this to myself to</p> <p>11 retain it.</p> <p>12 That's the idea, right?</p> <p>13 Q. Well, I can't answer your</p> <p>14 questions.</p> <p>15 A. Sorry. Okay.</p> <p>16 I don't recall the e-mail also.</p> <p>17 Q. Okay. Do you remember a video</p> <p>18 created by the marketing department at Purdue</p> <p>19 called "I Got My Life Back"?</p> <p>20 MS. MONAGHAN: Object to the</p> <p>21 form.</p> <p>22 THE WITNESS: "I Got My Life</p> <p>23 Back"? No.</p> <p>24 (Purdue-Sackler Exhibit 22</p> <p>25 marked for identification.)</p>	<p style="text-align: right;">Page 192</p> <p>1 that Mr. Alfonso was sending on to the</p> <p>2 various people, among other things, a video</p> <p>3 entitled "I Got My Life Back."</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. You have no recollection of</p> <p>7 such a video?</p> <p>8 A. No.</p> <p>9 Q. Were you ever given the</p> <p>10 opportunity to review videos before they</p> <p>11 actually went into circulation within the</p> <p>12 marketing department --</p> <p>13 MS. MONAGHAN: Objection.</p> <p>14 Outside --</p> <p>15 QUESTIONS BY MR. HANLY:</p> <p>16 Q. -- so as to either give your</p> <p>17 seal of approval or reject the -- the</p> <p>18 particular video?</p> <p>19 MS. MONAGHAN: Objection.</p> <p>20 THE WITNESS: That wasn't my</p> <p>21 role, to critique or to review or to</p> <p>22 reject or to accept marketing</p> <p>23 materials.</p> <p>24 QUESTIONS BY MR. HANLY:</p> <p>25 Q. But you recognize on this</p>
<p style="text-align: right;">Page 191</p> <p>1 QUESTIONS BY MR. HANLY:</p> <p>2 Q. Do you recall ever reviewing</p> <p>3 any marketing videos that may have been</p> <p>4 created during your years --</p> <p>5 A. I didn't have a role of</p> <p>6 reviewing for marketing or reviewing for any</p> <p>7 of the management departments. That really</p> <p>8 wasn't my role.</p> <p>9 I may have seen things that</p> <p>10 they produced and looked at marketing</p> <p>11 material at different times or -- if it was</p> <p>12 brought to the board. And once in a while</p> <p>13 videos were shown at board meetings, if that</p> <p>14 was part of the presentation of management.</p> <p>15 So I may have seen a video, but I don't</p> <p>16 recall.</p> <p>17 Q. Do you have -- okay. Let me</p> <p>18 show you Exhibit 22, please.</p> <p>19 A. Yep.</p> <p>20 Q. This is a memorandum from a</p> <p>21 Mark Alfonso to a number of people,</p> <p>22 October 15, 1998, entitled "OxyContin</p> <p>23 Promotional Materials."</p> <p>24 A. Yes.</p> <p>25 Q. And it indicates, does it not,</p>	<p style="text-align: right;">Page 193</p> <p>1 particular document, which references "I Got</p> <p>2 My Life Back," that the various distributees</p> <p>3 are all members of the Sackler family, with</p> <p>4 the exception of Mr. Friedman?</p> <p>5 MS. MONAGHAN: Objection.</p> <p>6 THE WITNESS: They were all</p> <p>7 directors.</p> <p>8 MR. CHEFFO: Objection. Form.</p> <p>9 THE WITNESS: They're being</p> <p>10 copied as -- they're being included in</p> <p>11 the distribution list as directors,</p> <p>12 not as family members.</p> <p>13 This isn't a family function.</p> <p>14 This is a business with a board of</p> <p>15 directors.</p> <p>16 MS. MONAGHAN: And I'll also</p> <p>17 note that Mr. Baker's name is on the</p> <p>18 distributee list as well.</p> <p>19 THE WITNESS: Well, he's the</p> <p>20 secretariat of the board.</p> <p>21 And Mr. Friedman is the person</p> <p>22 that Mark Alfonso reported to.</p> <p>23 Marketing, right?</p> <p>24 QUESTIONS BY MR. HANLY:</p> <p>25 Q. You have no recollection of</p>

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1 actually receiving or not receiving this  
 2 particular video?  
 3 A. I don't remember. I really  
 4 don't remember.  
 5 Q. And you also --  
 6 A. If I saw it again, I would  
 7 remember, perhaps. I don't know. I mean, it  
 8 might jog my memory if I saw it, but just by  
 9 its title, I don't recall it or remember it.  
 10 Q. Did you ever make a trip to  
 11 Silver Hill Hospital?  
 12 A. Silver Hill Hospital? I  
 13 visited them once a very long time ago at the  
 14 invitation of the director at that time. I  
 15 can't remember what year it was, but it was a  
 16 very long time ago, yes.  
 17 Q. And did you make that visit  
 18 with Dr. Reder?  
 19 A. Sounds like -- it sounds like  
 20 you see something that suggests that I did.  
 21 I didn't remember if I did. I could have.  
 22 It's possible.  
 23 Q. And just to -- you mentioned  
 24 Silver Hill this morning, but just --  
 25 A. Yeah.

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1 Q. -- for the benefit of the jury,  
 2 Silver Hill is a facility located in  
 3 Fairfield County, Connecticut, which --  
 4 A. New Canaan.  
 5 Q. That's in Fairfield County --  
 6 A. That's the town that they're  
 7 in, New Canaan.  
 8 Q. Yes.  
 9 A. Yeah.  
 10 Q. Is that Fairfield County?  
 11 A. Yes, definitely Fairfield  
 12 County, correct.  
 13 Q. Thank you.  
 14 And it's actually a rather old  
 15 institution. Goes back to the 1930s, true?  
 16 A. That, I don't know.  
 17 Q. And it specializes -- indeed,  
 18 its only medical role is as a rehabilitation,  
 19 alcohol, drug abuse treatment center, right?  
 20 MS. MONAGHAN: Object to the  
 21 form.  
 22 THE WITNESS: I didn't know  
 23 that. I thought they also treat  
 24 adolescents who have other  
 25 psychological disruptions in their

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1 lives and need support and need an  
 2 inpatient or outpatient therapeutic  
 3 environment.  
 4 (Purdue-Sackler Exhibit 23  
 5 marked for identification.)  
 6 QUESTIONS BY MR. HANLY:  
 7 Q. Okay. So let me show you  
 8 Exhibit 23. And if you could start at the  
 9 back of the document, which I think will  
 10 be -- will be the earliest of the e-mails.  
 11 At the -- the very last  
 12 document is from Mr. Reder to a number of  
 13 people, including you.  
 14 Actually you're copied, right?  
 15 A. Yes, because it's talking about  
 16 me.  
 17 Q. Right.  
 18 And the subject is Silver Hill  
 19 Hospital. And it reads, "All, Dr. Kathe and  
 20 I visited with Dr. Richard J. Frances  
 21 yesterday at Silver Hill Hospital.  
 22 Dr. Frances is president and medical director  
 23 of the facility. We discussed a number of  
 24 issues, one of which I wanted to bring to  
 25 your attention. Dr. Frances would be

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1 interested in having one of the Purdue staff  
 2 participate on the board of trustees of  
 3 Silver Hill. Is there any interest?"  
 4 Signed, "Robert."  
 5 Do you see that?  
 6 A. Yes.  
 7 Q. Turn to the middle page of the  
 8 document. I think you're on it.  
 9 Are you on a page that -- at  
 10 the bottom is from Michael Friedman to  
 11 Dr. Reder and others?  
 12 A. I was looking at the bottom one  
 13 of Michael Friedman to Robert Reder.  
 14 Q. Yes.  
 15 A. "While I think it is a  
 16 wonderful institution, I have a pretty full  
 17 plate right now."  
 18 Q. Right.  
 19 A. So I guess he was asked first.  
 20 Q. Okay. And then apparently --  
 21 A. Okay.  
 22 Q. -- other recipients of this  
 23 e-mail that's at the last page of the exhibit  
 24 appear to have responded. Michael Friedman  
 25 responded. One up is Howard Udell, who was,

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1 by the way, the general counsel of your  
2 company at the time.  
3 A. Yes.  
4 Q. And Mr. Udell states, "While I  
5 think it's a wonderful institution, I have a  
6 pretty full plate right now.  
7 Dr. Goldenheim" --  
8 A. It's funny it's verbatim the  
9 same message that Michael sent.  
10 Q. Yes. I guess he just cut and  
11 pasted.  
12 A. All right.  
13 Q. Above that, Dr. Goldenheim  
14 says, "Ditto." Presumably ditto to what  
15 Udell and Friedman said, but we don't know  
16 that.  
17 Above that, Reder writes to you  
18 and says, "Kathe, do you want someone from  
19 Purdue on the board at Silver Hill?"  
20 To which you responded,  
21 "Robert, only if it would helpful to our  
22 business. As I believe we mentioned to each  
23 other the other day, there is no need to move  
24 in this direction now unless someone had a  
25 strong desire to do so, which does not seem

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1 to be the case. Thanks for asking, Kathe."  
2 That's --  
3 A. A decisive no.  
4 Q. You -- you did write this,  
5 correct?  
6 A. I don't know. I don't recall.  
7 Q. Well, you don't have -- you  
8 don't have any reason to believe that what I  
9 showed you is a fraudulent document, do you?  
10 MR. CHEFFO: Objection.  
11 MS. MONAGHAN: Objection.  
12 THE WITNESS: I probably  
13 wouldn't choose those words today  
14 because -- you know. But on the other  
15 hand, you know, this is --  
16 QUESTIONS BY MR. HANLY:  
17 Q. This was during the --  
18 A. -- 2000.  
19 Q. By the way, do you recall that  
20 the sales of OxyContin in the year 2000  
21 exceeded \$1 billion?  
22 MS. MONAGHAN: Object to the  
23 form.  
24 THE WITNESS: No, I didn't  
25 recall that.

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1 But it is a good organization.  
2 It does good work.  
3 QUESTIONS BY MR. HANLY:  
4 Q. Did you know that Purdue  
5 obtained a patent on something called a  
6 self-destructing document and e-mail  
7 messaging system?  
8 MS. MONAGHAN: Object to the  
9 form.  
10 THE WITNESS: I heard something  
11 about that, and I also heard it later  
12 failed. It didn't really work.  
13 QUESTIONS BY MR. HANLY:  
14 Q. Who did you hear about that  
15 from?  
16 A. Stuart Baker.  
17 Q. Mr. Baker was, in fact, one of  
18 the inventors of that --  
19 A. I'm aware of that.  
20 Q. You're aware of that?  
21 A. Yes.  
22 Q. All right. When was the last  
23 time you had any conversa -- withdrawn.  
24 Does Mr. Baker still function  
25 either as a counsel to Purdue or to any

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1 member of the Sackler family?  
2 A. I don't know.  
3 Q. When was the last time you had  
4 any communication with Mr. Baker?  
5 A. A couple weeks ago.  
6 Q. And for what purpose did you --  
7 MR. CHEFFO: Finish your  
8 question. Just note my objection.  
9 QUESTIONS BY MR. HANLY:  
10 Q. -- have such communication?  
11 MR. CHEFFO: Before you  
12 answer -- I mean, come on, Paul, do  
13 you want to rephrase that?  
14 She asked you whether --  
15 whether she knows if he's even working  
16 as counsel, doesn't know it or not,  
17 and you're asking her if there's a  
18 relationship to divulge the subject  
19 matter of what she talked about.  
20 QUESTIONS BY MR. HANLY:  
21 Q. Did your communication with  
22 Mr. Baker have anything to do with this  
23 deposition?  
24 MS. MONAGHAN: Objection.  
25 MR. CHEFFO: Tell her --

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1 MS. MONAGHAN: Yeah, I think  
2 I'm going to -- can we go off the  
3 record for a minute? Because I just  
4 want to check if there's any  
5 attorney-client information contained  
6 in the potential answer.  
7 MR. HANLY: Okay.  
8 VIDEOGRAPHER: Off the record.  
9 Okay. The time is 3:49 p.m. Off the  
10 record.  
11 (Off the record at 3:49 p.m.)  
12 VIDEOGRAPHER: Okay. We are  
13 back on the record. The time is  
14 3:53 p.m.  
15 MS. MONAGHAN: Following  
16 consultation, it's my understanding  
17 that the answer to the last question  
18 posed would call for the revelation of  
19 attorney-client advice, and for that  
20 reason I'm instructing the witness not  
21 to answer the question.  
22 QUESTIONS BY MR. HANLY:  
23 Q. So does Stuart Baker still act  
24 as counsel to you?  
25 A. In some -- regarding some

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1 matters, yes.  
2 Q. Do you know if he's still with  
3 the firm that is no longer Chadbourne but is  
4 some other name?  
5 MS. MONAGHAN: Object to the  
6 form.  
7 THE WITNESS: I believe he is.  
8 QUESTIONS BY MR. HANLY:  
9 Q. Did you know that he was a  
10 defendant in certain of the litigations  
11 involving OxyContin?  
12 A. I heard that.  
13 Q. Yes, you heard that?  
14 A. I actually read it in the  
15 complaints.  
16 Q. Did you receive a copy of, if  
17 you recall, of the self-destructing e-mail  
18 messaging system patent?  
19 A. No. I don't -- oh, the patent?  
20 Q. Yes.  
21 A. I've never actually seen it  
22 work. I thought you were going to ask me did  
23 I ever see it operate.  
24 Q. Did you see it operate?  
25 A. No, I didn't. I wanted to, but

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1 I didn't -- it didn't happen.  
2 Q. And do you recall who you heard  
3 about that device -- that patent from? From  
4 whom you heard about the patent?  
5 A. I think Stuart told me about  
6 it.  
7 Q. All right.  
8 A. Is my recollection.  
9 Q. Do you remember a woman named  
10 Maureen Sara?  
11 A. No.  
12 Q. Do you recall the name of  
13 Howard Udell's secretary at any time --  
14 A. Phyllis Tuckman.  
15 Q. Do you recall the name of  
16 Howard Udell's legal assistant at any time?  
17 A. He had a number of legal  
18 assistants, I believe, over the years. No  
19 one comes to mind.  
20 Q. All right. If I told you that  
21 Maureen Sara testified many years ago that  
22 she sent to you and other members of the  
23 Sackler family a memorandum concerning abuse  
24 of OxyContin in the year 1999, would any of  
25 that be familiar to you?

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1 Is that something that you know  
2 anything about?  
3 MR. CHEFFO: Objection. Form.  
4 MS. MONAGHAN: Objection.  
5 QUESTIONS BY MR. HANLY:  
6 Q. You can answer.  
7 A. I don't remember her. I don't  
8 remember what you're suggesting.  
9 Do you know when it was?  
10 Q. Her testimony was -- her  
11 testimony was given in the period around  
12 2004, but her testimony concerned the year  
13 1999. And the essence was she prepared this  
14 certain memorandum, sent it to various  
15 people, and you are one of the people who she  
16 referenced as having been sent the  
17 memorandum.  
18 MS. MONAGHAN: I'm just going  
19 to object to this whole question.  
20 THE WITNESS: It's very vague,  
21 which I can't quite grasp what  
22 you're -- you know, maybe if I knew  
23 what the memorandum said I might  
24 remember, but I don't remember her or  
25 communication from her offhand.



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1 QUESTIONS BY MR. HANLY:  
 2 Q. In the year 1999, did you  
 3 regularly go to the headquarters in Stamford,  
 4 headquarters of Purdue?  
 5 MS. MONAGHAN: Objection.  
 6 THE WITNESS: We weren't in  
 7 Stamford in '99.  
 8 QUESTIONS BY MR. HANLY:  
 9 Q. Where were you?  
 10 A. Norwalk.  
 11 Q. Okay. Did you go to the  
 12 headquarters regularly in Norwalk?  
 13 MS. MONAGHAN: Objection.  
 14 THE WITNESS: '99. Reasonably  
 15 regularly.  
 16 QUESTIONS BY MR. HANLY:  
 17 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 6 (Purdue-Sackler Exhibit 24  
 7 marked for identification.)  
 8 QUESTIONS BY MR. HANLY:  
 9 Q. Let me show you Exhibit 24 to  
 10 your deposition, Doctor.  
 11 This is a -- appears to be an  
 12 e-mail from 1999, June 22, 1999, from  
 13 yourself to Dr. Mortimer Sackler,  
 14 Dr. Richard, Jonathan --  
 15 A. My brother.  
 16 Q. Mortimer Sackler, Junior, is he  
 17 a physician?  
 18 A. No.  
 19 Q. Alfonso, Mark Alfonso, and  
 20 Stuart Baker, right?  
 21 A. Okay.  
 22 Q. And the subject is price  
 23 modifications. And you're replying to a --  
 24 apparently to an e-mail from Dr. Mortimer,  
 25 your father, to Michael Friedman, copies to

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1 various people, talking about price -- price  
 2 modifications, right?  
 3 A. What was big buck scenario?  
 4 Q. Well, that was going to be my  
 5 question to you.  
 6 A. Yeah, it's a good question.  
 7 Q. So you referred in this  
 8 memorandum --  
 9 A. Sounds --  
 10 Q. -- to the MS-Contin and  
 11 OxyContin, quote, big bucks, unquote,  
 12 scenario.  
 13 Do you see that?  
 14 A. Yeah.  
 15 Q. And are you aware -- do you  
 16 recall, do you know, that in the year 1999  
 17 the sales -- company sales exceeded  
 18 \$1 billion?  
 19 MS. MONAGHAN: Objection.  
 20 THE WITNESS: No, this was --  
 21 MS. MONAGHAN: Asked and  
 22 answered.  
 23 THE WITNESS: It -- huh-uh.  
 24 QUESTIONS BY MR. HANLY:  
 25 Q. You don't have any recollection

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1 of this?  
 2 A. No, I don't.  
 3 Q. All right.  
 4 A. I'd like to know, though.  
 5 It's -- it's disturbing because it sounds  
 6 frivolous and it sounds -- it sounds so out  
 7 of character, and it's -- but I don't know  
 8 what it refers to. It could mean -- I don't  
 9 know. It could refer to something else, but  
 10 I don't know what.  
 11 Q. Can we agree that the subject  
 12 of OxyContin is not a frivolous matter?  
 13 A. Absolutely not. Absolutely --  
 14 that's why this is -- you know, it doesn't --  
 15 it's --  
 16 Q. You don't know what you  
 17 meant --  
 18 A. It doesn't seem appropriate.  
 19 Q. All right.  
 20 A. And I don't -- and I don't know  
 21 why I would write that. It must have meant  
 22 something that I can't recall now that -- so  
 23 I would like to know what it meant.  
 24 Q. Did you --  
 25 A. It says MS-Contin and

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1 OxyContin, so it's not just OxyContin.  
 2 Q. Thank you, I --  
 3 A. I'm sorry. I'm just very  
 4 surprised by this and am curious. I mean,  
 5 I'm more than curious. I'm trying to find  
 6 out what this means.  
 7 Q. Do you -- in the late 1990s did  
 8 you, from time to time, spend time in East  
 9 Hampton, New York?  
 10 A. East Hampton?  
 11 Q. Yes.  
 12 A. No.  
 13 Q. No?  
 14 A. Not that I recall.  
 15 Q. Any of your family members have  
 16 homes in that area of Long Island?  
 17 A. In the area, but not in East  
 18 Hampton.  
 19 Q. Okay. Amagansett?  
 20 A. I don't know. Can you get more  
 21 specific?  
 22 Q. Well, why don't you tell me  
 23 where -- withdrawn.  
 24 Did you visit -- as best you  
 25 recall, in the summer of 1997, did you have

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1 occasion to visit either friends or family in  
 2 the East Hampton, New York, area?  
 3 A. I don't recall.  
 4 Q. All right. Do you recall a  
 5 Dr. Phillip Robbins, a doctor of orthopedic  
 6 surgery?  
 7 A. Yes, he's a very close family  
 8 friend.  
 9 Q. Okay.  
 10 A. This...  
 11 Q. Do you recall a dinner with  
 12 Dr. Robbins in East Hampton?  
 13 A. Yeah.  
 14 MS. MONAGHAN: Objection.  
 15 THE WITNESS: See, the reason I  
 16 couldn't answer that the way you  
 17 phrased it is because he doesn't have  
 18 a house in East Hampton, so I couldn't  
 19 place a visit to East Hampton.  
 20 MR. HANLY: Okay.  
 21 THE WITNESS: Okay.  
 22 (Purdue-Sackler Exhibit 25  
 23 marked for identification.)  
 24 QUESTIONS BY MR. HANLY:  
 25 Q. Well, let me show you

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1 Exhibit 25, please. The exhibit actually has  
 2 a lot of irrelevant pages. I'm only  
 3 interested in the letter to you from  
 4 Dr. Robbins, which is the third page in.  
 5 A. Uh-huh.  
 6 Q. Do you see that letter?  
 7 Does this --  
 8 A. Yeah, there are a couple of  
 9 copies of it here.  
 10 Q. It's all the same.  
 11 A. Yeah, okay.  
 12 Q. The letter suggests that you  
 13 had a dinner -- you and Dr. Robbins had a  
 14 dinner in August in East Hampton.  
 15 Do you see that in the first  
 16 sentence?  
 17 A. Yes.  
 18 Q. Okay. And Dr. Robbins writes,  
 19 "It was my first opportunity to learn about  
 20 the drug OxyContin which you manufacture. I  
 21 anticipate that it will have usefulness in my  
 22 practice of orthopedic surgery. I was  
 23 surprised by the fact that no sales  
 24 representative of your company ever came to  
 25 my office to discuss this medication. I

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1 would appreciate it if you can have a sales  
 2 representative contact me. Thank you again  
 3 for dinner."  
 4 Do you see that?  
 5 A. Uh-huh.  
 6 Q. And do you now recollect having  
 7 a dinner meeting with Dr. Robbins?  
 8 A. Yes, of course.  
 9 Q. Yes?  
 10 A. Phillip Robbins is one of my  
 11 closest friends.  
 12 Q. All right.  
 13 A. His father and my father went  
 14 to medical school together. We've known each  
 15 other all our lives. And the reason it  
 16 didn't click is because I visited with him on  
 17 his boat in East Hampton, and so I didn't,  
 18 you know, connect with visiting someone in a  
 19 house.  
 20 But the way this letter -- can  
 21 I just tell you about the letter or not?  
 22 Q. Well, I'd rather --  
 23 A. Okay.  
 24 Q. -- ask you some questions  
 25 and if you can answer the questions.

<p style="text-align: right;">Page 214</p> <p>1 A. Okay.</p> <p>2 Q. Up on the -- up on the</p> <p>3 right-hand corner of the letter it indicates</p> <p>4 Dr. Robbins' practice includes sports</p> <p>5 medicine and surgery and pediatric</p> <p>6 orthopedics.</p> <p>7 Do you see that?</p> <p>8 A. Yep.</p> <p>9 MS. MONAGHAN: Objection.</p> <p>10 QUESTIONS BY MR. HANLY:</p> <p>11 Q. Were those disciplines that</p> <p>12 Purdue -- to whom Purdue -- to which Purdue</p> <p>13 marketed OxyContin?</p> <p>14 MS. MONAGHAN: I'm just going</p> <p>15 to object that that's an incomplete</p> <p>16 list of the disciplines listed on the</p> <p>17 letterhead.</p> <p>18 MR. HANLY: But a complete list</p> <p>19 of what's in the upper right.</p> <p>20 THE WITNESS: Orthopedic and</p> <p>21 trauma surgery, reconstructive joint</p> <p>22 surgery.</p> <p>23 QUESTIONS BY MR. HANLY:</p> <p>24 Q. Right.</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 216</p> <p>1 medicine and surgery --</p> <p>2 A. I don't know.</p> <p>3 Q. Let me finish my question,</p> <p>4 please.</p> <p>5 A. Oh, sorry.</p> <p>6 Q. Did Purdue market to the</p> <p>7 disciplines of sports medicine and surgery</p> <p>8 and/or pediatric orthopedics?</p> <p>9 And your answer is you don't</p> <p>10 know?</p> <p>11 A. What about reconstructive joint</p> <p>12 surgery or orthopedic and trauma surgery?</p> <p>13 They may have --</p> <p>14 Q. Okay.</p> <p>15 A. They may be more appropriate.</p> <p>16 Q. Can you answer the question I</p> <p>17 asked you?</p> <p>18 A. I said I don't know.</p> <p>19 Q. You were very involved during</p> <p>20 the 1990s and into the 2000s with respect to</p> <p>21 the sales figures for the Purdue companies,</p> <p>22 right?</p> <p>23 MS. MONAGHAN: Objection.</p> <p>24 MR. CHEFFO: Objection.</p> <p>25 THE WITNESS: No, I wouldn't</p>
<p style="text-align: right;">Page 215</p> <p>1 Q. That's on the left.</p> <p>2 A. Okay. I think it's --</p> <p>3 Q. On the right are the sports</p> <p>4 medicine and surgery and pediatric</p> <p>5 orthopedics, right?</p> <p>6 A. Right.</p> <p>7 Q. So my question is: Did Purdue</p> <p>8 market to the disciplines of sports medicine</p> <p>9 and surgery and/or pediatric orthopedics?</p> <p>10 MS. MONAGHAN: Object to form.</p> <p>11 QUESTIONS BY MR. HANLY:</p> <p>12 Q. If you know.</p> <p>13 A. Trauma surgery is -- orthopedic</p> <p>14 and trauma surgery, I mean, I think -- I</p> <p>15 don't know if -- to what extent Purdue</p> <p>16 directed their marketing to these specific</p> <p>17 areas of clinical care, but I would</p> <p>18 imagine -- I would think that Dr. Robbins</p> <p>19 might have...</p> <p>20 Q. My question --</p> <p>21 A. It sounds like he was</p> <p>22 interested in learning about this product.</p> <p>23 Q. And my question was not whether</p> <p>24 he was interested. My question was: Did</p> <p>25 Purdue market to the disciplines of sports</p>	<p style="text-align: right;">Page 217</p> <p>1 describe myself as very involved.</p> <p>2 MR. HANLY: Okay.</p> <p>3 THE WITNESS: I tried to be</p> <p>4 knowledgeable about the affairs of the</p> <p>5 business because I was a director and</p> <p>6 sat on the board and had</p> <p>7 responsibilities to be informed.</p> <p>8 (Purdue-Sackler Exhibit 26</p> <p>9 marked for identification.)</p> <p>10 QUESTIONS BY MR. HANLY:</p> <p>11 Q. Okay. Let me show you</p> <p>12 Exhibit 26, please, Doctor.</p> <p>13 Oh, sorry. This is an e-mail,</p> <p>14 apparently, from you to -- to your father,</p> <p>15 Dr. Mortimer Sackler, and to your brother,</p> <p>16 Mortimer Sackler, Junior, regarding 1998 US</p> <p>17 sales. And it states, "Importance, high."</p> <p>18 Do you see that?</p> <p>19 And then the e-mail that you --</p> <p>20 that appears to have been created by you goes</p> <p>21 on to talk about the sales targets and</p> <p>22 actuals for -- sales targets for 1999, which</p> <p>23 was the year upcoming after the date of this,</p> <p>24 right?</p> <p>25 A. I don't see sales targets.</p>

<p style="text-align: right;">Page 218</p> <p>1 Q. Well, it says --</p> <p>2 A. Where do you see --</p> <p>3 Q. The first sentence says, "I</p> <p>4 believe we will make the 590 target."</p> <p>5 A. Oh, I thought you were looking</p> <p>6 at the -- okay. I was looking at the</p> <p>7 numerical listing.</p> <p>8 Q. Okay. And then down below</p> <p>9 there's -- in bold, there's a list of</p> <p>10 apparently year-to-date and month-to-date</p> <p>11 sales figures for apparently the year 1998,</p> <p>12 right?</p> <p>13 MS. MONAGHAN: Objection.</p> <p>14 THE WITNESS: I don't -- I</p> <p>15 don't know if this is for the year.</p> <p>16 QUESTIONS BY MR. HANLY:</p> <p>17 Q. Okay. Well, let me --</p> <p>18 A. This is year-to-date. Net</p> <p>19 sales year-to-date, right? So it's net sales</p> <p>20 year-to-date. And it's December, so it's</p> <p>21 almost a year.</p> <p>22 Q. Right.</p> <p>23 My question is --</p> <p>24 A. 506,000.</p> <p>25 Q. These are detailed figures</p>	<p style="text-align: right;">Page 220</p> <p>1 A. -- if it was me or my father,</p> <p>2 because it's so similar.</p> <p>3 Q. All right. Well, how about</p> <p>4 the --</p> <p>5 A. But --</p> <p>6 Q. -- reverse side of that</p> <p>7 exhibit? You see all of those</p> <p>8 calculations --</p> <p>9 A. Yeah.</p> <p>10 Q. -- and numbers?</p> <p>11 A. Yeah.</p> <p>12 Q. Is that in your handwriting?</p> <p>13 A. Looks like it. Does look like</p> <p>14 it, yeah.</p> <p>15 Q. And these are very detailed</p> <p>16 calculations, are they not?</p> <p>17 A. Of course. Sales figures are</p> <p>18 very detailed.</p> <p>19 Q. And the -- and it actually</p> <p>20 looks like you computed various totals by</p> <p>21 hand.</p> <p>22 Do you see, for example, down</p> <p>23 in the right-hand corner there's the 57504,</p> <p>24 5834, 17891, and then below that it looks</p> <p>25 like you were carrying the 1s?</p>
<p style="text-align: right;">Page 219</p> <p>1 about sales, targets and actuals, right?</p> <p>2 A. Yes.</p> <p>3 MS. MONAGHAN: Object to the</p> <p>4 form.</p> <p>5 QUESTIONS BY MR. HANLY:</p> <p>6 Q. Okay. And then -- by the way,</p> <p>7 you see this handwriting on the first page?</p> <p>8 Is that your handwriting?</p> <p>9 For example, at the bottom it</p> <p>10 says, "Buy in sales, shipped MS-Contin, oxy 3</p> <p>11 million."</p> <p>12 Is that your handwriting?</p> <p>13 A. That's MS-Contin 3 million, and</p> <p>14 oxy doesn't have a number next to it.</p> <p>15 Q. Okay. Is that your</p> <p>16 handwriting?</p> <p>17 A. It looks like it is, but my</p> <p>18 handwriting and my father's handwriting are</p> <p>19 very, very similar, so sometimes I have to</p> <p>20 look carefully.</p> <p>21 Q. Okay.</p> <p>22 A. Like if you look at the top, if</p> <p>23 you look at the top of the page on the right,</p> <p>24 I'm not sure who wrote that --</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 221</p> <p>1 Do you see that?</p> <p>2 A. Yes, this is arithmetic.</p> <p>3 Q. Right.</p> <p>4 So you were -- you were doing</p> <p>5 arithmetic by hand, without a calculator,</p> <p>6 concerning these various figures, sales</p> <p>7 figures, right?</p> <p>8 A. Should I have used a</p> <p>9 calculator?</p> <p>10 Q. Well, I don't know. We'll have</p> <p>11 to figure that out, I suppose, at some point.</p> <p>12 But you were --</p> <p>13 A. It looks like I was trying to</p> <p>14 understand some sales figures and breaking it</p> <p>15 down or building it up. I don't know where</p> <p>16 was the information coming from.</p> <p>17 Q. Right.</p> <p>18 But these are computations that</p> <p>19 you did by hand with respect to the matters</p> <p>20 referenced on the e-mail, which is 1998 US</p> <p>21 sales, right?</p> <p>22 MS. MONAGHAN: Objection.</p> <p>23 THE WITNESS: I don't know. I</p> <p>24 guess. I don't know. Forecast, 590.</p> <p>25 So there's the 590, what you called</p>



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1 target. Here it's called forecast.  
 2 You know, if I studied it for a  
 3 little while, maybe I could try to  
 4 figure out what it was I was trying to  
 5 figure out or what it was I was  
 6 analyzing, but -- what it was I was  
 7 computing --  
 8 QUESTIONS BY MR. HANLY:  
 9 Q. Well, my question really --  
 10 A. -- or calculating. But  
 11 what's --  
 12 Q. -- is --  
 13 A. What's the difference? I was  
 14 learning about the sales, and these are the  
 15 notes.  
 16 Q. And you set forth very detailed  
 17 notes concerning the sales, right?  
 18 MS. MONAGHAN: Objection.  
 19 THE WITNESS: I do everything  
 20 in detail, great detail. Okay? So...  
 21 QUESTIONS BY MR. HANLY:  
 22 Q. By the way, did --  
 23 A. Detail, yes.  
 24 Q. -- Purdue distribute  
 25 calculators as part of its marketing plan?

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1 MS. MONAGHAN: Objection.  
 2 MR. CHEFFO: Objection.  
 3 Is that a serious question?  
 4 THE WITNESS: I guess I didn't  
 5 get one.  
 6 QUESTIONS BY MR. HANLY:  
 7 Q. Well, that's my question.  
 8 A. I know.  
 9 Q. But actually, then, I don't  
 10 have an answer to the actual question.  
 11 Did Purdue, as part of its  
 12 marketing activities, distribute to  
 13 physicians calculators?  
 14 A. I don't know. I don't recall.  
 15 Q. Purdue distributed to  
 16 physicians as part of its marketing other  
 17 kinds of products, right?  
 18 MS. MONAGHAN: Objection.  
 19 QUESTIONS BY MR. HANLY:  
 20 Q. Other kinds of items. Not  
 21 drugs, but things like pens and plush toys.  
 22 Is that true, if you know?  
 23 I'm finished with that  
 24 document, by the way, Doctor.  
 25 A. I think -- I wonder if there

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1 was someone in the room with me when I was  
 2 doing these calculations or if I was on the  
 3 phone with someone and jotting all this down  
 4 and discussing something.  
 5 Q. Doctor, thank you for that, but  
 6 I've moved beyond that --  
 7 A. All right. I'll let it go.  
 8 Q. -- and so I asked you a  
 9 different question.  
 10 A. That's fine.  
 11 Q. Did Purdue --  
 12 A. Yes.  
 13 Q. -- as part of its marketing --  
 14 A. Yeah.  
 15 Q. -- distribute other kinds of  
 16 items, things like pens and plush toys, in  
 17 connection with the marketing of --  
 18 A. I don't remember seeing a lot  
 19 of toys or pens or -- they may have. I  
 20 don't...  
 21 Q. OxyContin was marketed as a  
 22 12-hour -- Q12 medication, right?  
 23 A. Yeah.  
 24 Q. But in fact --  
 25 A. Well, with the -- I mean, yeah,

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1 the label for OxyContin is the -- the dosing  
 2 instructions on the label instructs that it  
 3 be given twice a day, yes.  
 4 But there's also provision in  
 5 the language, I believe, you know, to -- I  
 6 forgot what -- to -- because there was  
 7 variability in patients is the way I was  
 8 told, explained to me, the way I understood  
 9 this. There's a certain amount of  
 10 variability in patients, it's true with most  
 11 medicines, that -- that there -- some --  
 12 that -- I think it's in the label, but I  
 13 can't pull up the language right now.  
 14 I think the -- there's --  
 15 sorry, I can't recall this part of the  
 16 labeling. I'm trying to remember.  
 17 Q. Well, I'm asking you about the  
 18 marketing.  
 19 A. It speaks about titration. It  
 20 speaks about -- okay.  
 21 Q. All right.  
 22 A. Go to marketing.  
 23 Q. The drug was marketed as a  
 24 12-hour analgesic; isn't that true?  
 25 MS. MONAGHAN: Objection.

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1 THE WITNESS: It was  
 2 marketed -- it was dosed BID.  
 3 That's -- I think that's how it's --  
 4 QUESTIONS BY MR. HANLY:  
 5 Q. Or Q12?  
 6 A. Or Q12, yeah.  
 7 Q. Right.  
 8 A. Sure. Yeah.  
 9 Q. Okay. But in fact, many  
 10 patients needed immediate-release opioids  
 11 during the course of that 12-hour period  
 12 because the analgesia -- the Q12 drug had  
 13 worn off; isn't that true?  
 14 MS. MONAGHAN: Objection.  
 15 THE WITNESS: There's a certain  
 16 variability in patients, from patient  
 17 to patient, that's not uncommon with  
 18 analgesics across the board. It's not  
 19 only OxyContin. Other -- and it's --  
 20 you know, it's true of other -- other  
 21 medications as well.  
 22 So it's not...  
 23 QUESTIONS BY MR. HANLY:  
 24 Q. So the answer to my question is  
 25 with respect to certain patients, the drug

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1 didn't work --  
 2 A. Yes, with respect to certain  
 3 patients -- it's not that the drug didn't  
 4 work; it's that individuals metabolize drugs  
 5 with variability. It's not the same in every  
 6 human body. So you can't have 100 percent  
 7 the same duration of efficacy in every  
 8 person.  
 9 So in some patients, physicians  
 10 would use immediate-release opioids to -- but  
 11 it was -- I think it's described in the  
 12 label, but I don't know why I can't remember  
 13 that part of the label right now. I think  
 14 I'm getting a little tired.  
 15 MS. MONAGHAN: All right. I  
 16 think, if possible, now would probably  
 17 be a good time for a break, which I  
 18 think will be the last one, probably.  
 19 MR. HANLY: That's fine.  
 20 MS. MONAGHAN: Okay.  
 21 THE WITNESS: Okay.  
 22 VIDEOGRAPHER: Okay. Remove  
 23 your microphones, please. Doctor,  
 24 your microphone.  
 25 The time is 4:22 p.m. Off the

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1 record.  
 2 (Off the record at 4:22 p.m.)  
 3 VIDEOGRAPHER: We are back on  
 4 the record. The time is 4:33 p.m.  
 5 QUESTIONS BY MR. HANLY:  
 6 Q. Dr. Sackler, does Purdue bear  
 7 any responsibility for the opioid crisis  
 8 facing us in America today?  
 9 MR. CHEFFO: Objection.  
 10 MS. MONAGHAN: Objection.  
 11 THE WITNESS: I don't believe  
 12 Purdue has a legal responsibility, but  
 13 I think that Purdue, as well as all  
 14 other stakeholders in health care and  
 15 in medicine and in pharmaceuticals and  
 16 law enforcement and the FDA, the DEA,  
 17 everyone has a responsibility,  
 18 clearly.  
 19 And Purdue has a  
 20 responsibility, clearly, to do  
 21 everything it can to find and  
 22 participate and contribute to whatever  
 23 we can hopefully build as solutions so  
 24 that no one has to suffer this kind of  
 25 tragedy again. Or at least we can...

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1 QUESTIONS BY MR. HANLY:  
 2 Q. My question, however, is  
 3 whether Purdue's conduct was a cause of the  
 4 opioid epidemic in America today.  
 5 MR. CHEFFO: Objection.  
 6 MS. MONAGHAN: Objection.  
 7 MR. CHEFFO: Form and  
 8 foundation.  
 9 THE WITNESS: I think it's a  
 10 very complex set of factors and  
 11 confluence of different circumstances  
 12 and societal issues and problems and  
 13 medical issues and regulatory gaps in  
 14 different states across the country,  
 15 without any national system that would  
 16 correct those gaps. And, I mean, it's  
 17 very, very, very complex, and I think  
 18 that all of that has brought this  
 19 about.  
 20 I don't see that one  
 21 pharmaceutical company or one product  
 22 has a causative relationship to the  
 23 opioid epidemic that we're suffering  
 24 now.  
 25

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1 QUESTIONS BY MR. HANLY:

2 Q. There was no opioid --

3 A. Everyone has to be responsible.

4 Q. There was no opioid epidemic of

5 the current proportions prior to the

6 invention of OxyContin; isn't that true?

7 MS. MONAGHAN: Objection.

8 MR. CHEFFO: Objection.

9 THE WITNESS: No, I don't -- I

10 don't think that's correct. I think I

11 remember in my lifetime there was a

12 heroin epidemic not that long ago.

13 QUESTIONS BY MR. HANLY:

14 Q. And do you know the numbers of

15 victims of heroin at whatever period of time

16 that was?

17 A. Well, it seemed horrific then,

18 too, you know. So I'm not sure that the

19 numbers are the same, but I -- I don't think

20 we should satisfy -- be satisfied with that

21 either. I mean, I think -- and, you know,

22 the numbers -- are we talking about numbers

23 of addiction, or are we talking about numbers

24 of overdose and death?

25 Because I am shocked by the

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1 overdose and death situation that has just

2 exploded in the last five, seven years,

3 something like that. It's been extraordinary

4 from -- and I'm just seeing it from -- you

5 know, I'm not involved in it professionally,

6 but I see it, I read about it, I hear about

7 it. I have friends, relatives. I mean, I

8 know people, individual people, who have

9 suffered and who have died. And it touches

10 everyone's life. It's terrible.

11 But that's different. That's a

12 different epidemic, I think, than what we

13 had -- you know, than -- than the

14 prescription opioid epidemic or crisis or

15 whatever, which has more to do, I think, with

16 failure -- with too much product being out

17 there beyond the needs of the patients it's

18 prescribed for, and also the -- the lack of

19 access to treatment. People can't access

20 treatment once they -- you know.

21 So it's very complex. It's

22 hard to answer that question simply or at

23 all.

24 Q. Do you recognize that hundreds

25 of thousands of Americans have become

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1 addicted to OxyContin?

2 MS. MONAGHAN: Objection.

3 MR. CHEFFO: Objection.

4 QUESTIONS BY MR. HANLY:

5 Q. Do you recognize that or not?

6 Simple question, yes or no?

7 A. I don't know --

8 MR. CHEFFO: Objection.

9 THE WITNESS: I don't know the

10 answer to that.

11 MR. CHEFFO: Excuse me. I'd

12 like the special master's ruling.

13 You know, we can't ask

14 open-ended questions and then instruct

15 a witness only to say yes or no. It's

16 just not fair.

17 SPECIAL MASTER COHEN: I think

18 it was a yes or no question.

19 MR. HANLY: It was a yes or no

20 question.

21 MR. CHEFFO: Note my objection

22 to the form and the foundation.

23 QUESTIONS BY MR. HANLY:

24 Q. As the owners of Purdue, the

25 Sackler family could have directed changes in

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1 the way that OxyContin was marketed; isn't

2 that correct?

3 MS. MONAGHAN: Objection.

4 THE WITNESS: Actually, there

5 have been many changes over the years

6 and huge resources spent to bring

7 about those changes.

8 QUESTIONS BY MR. HANLY:

9 Q. I asked you about marketing

10 materials or giveaways.

11 Have you ever seen one of these

12 OxyContin pens with a pull-down?

13 A. No.

14 Q. All right. I'd like you to

15 take a look at it. And we can make

16 photocopies of it or whatever, but I --

17 MS. MONAGHAN: You want to just

18 mark it as an exhibit? You can stick

19 a sticker on it.

20 MS. CONROY: I'll put it on the

21 screen.

22 MR. HANLY: These are of

23 limited distribution.

24 MS. MONAGHAN: Well, then how

25 are we going to have a clear record of

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1 what pen was shown to her?

2 MR. HANLY: It's going to go on

3 the video.

4 MS. MONAGHAN: Okay.

5 QUESTIONS BY MR. HANLY:

6 Q. Now, I want to make sure you've

7 got the right side.

8 MR. CHEFFO: Is this something

9 that was produced to you?

10 MR. HANLY: No.

11 MR. CHEFFO: Then have you

12 produced it in response to the

13 discovery requests?

14 MR. HANLY: This is something

15 that I acquired within the last two

16 weeks of my own accord, not from you.

17 It's work product.

18 MR. CHEFFO: Well, it's

19 responsive to -- well, if it's work

20 product, then you're waiving it by

21 showing it today?

22 MR. HANLY: The acquisition is

23 work product.

24 MR. CHEFFO: Okay. But I

25 didn't ask that. If it's ongoing

Page 235

1 discovery, and you have things that

2 are responsive to discovery and you

3 show them to a witness, they should be

4 produced in advance of the deposition.

5 MR. HANLY: Well, let me

6 continue with the examination, and you

7 can make any application that's

8 appropriate.

9 MR. CHEFFO: I am going to

10 object to the question of showing --

11 you know, the whole point of discovery

12 here is -- when we've produced 50

13 million pages is to not have exactly

14 this type of surprise.

15 And I don't recall all the

16 discovery requests, but my guess is it

17 probably covers this pen. But just

18 note my objection.

19 MS. MONAGHAN: I'm also just

20 going to record my ongoing objection

21 to not marking the pen itself as an

22 exhibit. I don't think that putting

23 it on the video is sufficient to

24 ensure that we know exactly what pen.

25 I don't know if there were more

Page 236

1 than one version of this. I don't

2 know how similar they look. I think

3 we should mark the actual aide as an

4 exhibit.

5 MR. CHEFFO: It's not even

6 authenticated.

7 MR. HANLY: Well, that's fine.

8 We can mark -- we can actually mark

9 the one that the witness has.

10 MS. MONAGHAN: And she said

11 she's never seen it before, so

12 obviously she's not authenticating it.

13 THE WITNESS: Well, it's

14 interesting.

15 QUESTIONS BY MR. HANLY:

16 Q. So do you see on one side

17 there's a dosing conversion guide?

18 A. Yes, it looks like the 2 to 1

19 that we spoke of.

20 Q. Right.

21 And also to the -- to the right

22 of the middle column there's a column of Oxy

23 IR?

24 A. Uh-huh.

25 Q. That's oxycodone immediate

Page 237

1 release?

2 A. Okay.

3 Q. Do you agree with that?

4 MS. MONAGHAN: Objection.

5 THE WITNESS: Yes, I think it

6 is.

7 QUESTIONS BY MR. HANLY:

8 Q. All right. And what is

9 reflected then is that there's a conversion

10 dose. If you're using another so-called

11 combination opioid and you wished to convert

12 to OxyContin, it shows you that.

13 And then the far right column

14 is the breakthrough dose to be used with

15 OxyContin Q12; is that correct?

16 MS. MONAGHAN: Objection.

17 THE WITNESS: I don't know what

18 the -- there are no instructions how

19 to read this, so I don't know if

20 that's the way it's intended or not.

21 But...

22 QUESTIONS BY MR. HANLY:

23 Q. But you've never --

24 A. You know, and the -- the...

25 Q. If you can't read the chart or



Page 238

1 don't understand the chart, you just need to  
 2 indicate that.  
 3 A. I can read it, but I don't know  
 4 what the -- what it means or what the  
 5 intention is because it doesn't say -- say  
 6 how to -- what to make of it.  
 7 Q. Okay.  
 8 A. You know, it doesn't say this  
 9 is immediate-release oxycodone to be dosed  
 10 concurrent with this OxyContin.  
 11 Q. Yeah.  
 12 A. But maybe.  
 13 Q. Is Oxy IR a -- a Purdue  
 14 product?  
 15 You see it has a little  
 16 trademark sign. So my question is, is the  
 17 Oxy IR product a product manufactured and  
 18 distributed by Purdue?  
 19 A. I think it is. I think -- I  
 20 think it was or it is.  
 21 Q. Okay.  
 22 A. I think it is.  
 23 Q. If you --  
 24 A. And I think there are other  
 25 oxy -- oxycodone immediate-release products

Page 239

1 also.  
 2 Q. Yes.  
 3 A. Available.  
 4 Q. But Oxy IR is a Purdue product.  
 5 That's all I'm trying to establish.  
 6 A. Yeah, I think so. I think  
 7 that's right.  
 8 Q. All right. If you hand that  
 9 back to me, we'll put a sticker on it.  
 10 A. Okay.  
 11 MR. CHEFFO: Note my objection.  
 12 I move to strike this entire line of  
 13 questioning.  
 14 THE WITNESS: What does it say?  
 15 MS. MONAGHAN: I can't give you  
 16 advice on the record. I think counsel  
 17 has asked for it back so they can put  
 18 a sticker on it.  
 19 THE WITNESS: Okay.  
 20 QUESTIONS BY MR. HANLY:  
 21 Q. Let me just --  
 22 A. Do you know -- do you know the  
 23 date of this?  
 24 Q. I can't answer your questions,  
 25 Doctor.

Page 240

1 A. I'm sorry. I'd be very  
 2 interested to know when they did that.  
 3 MR. HANLY: I want to note for  
 4 the record also that Purdue did not,  
 5 to my knowledge, produce a single  
 6 marketing item.  
 7 MR. CHEFFO: Okay. And I  
 8 haven't heard about it, so if you  
 9 asked for them, then you should raise  
 10 them.  
 11 THE WITNESS: You mean someone  
 12 else produced that? Not Purdue?  
 13 MR. HANLY: No. No. No.  
 14 I believe that Purdue had this  
 15 manufactured, but --  
 16 THE WITNESS: Do you know that  
 17 for a fact?  
 18 MR. HANLY: No.  
 19 THE WITNESS: Okay. I'm  
 20 just --  
 21 MR. CHEFFO: That's my point.  
 22 THE WITNESS: I thought that's  
 23 what you were saying. Maybe they  
 24 didn't.  
 25 SPECIAL MASTER COHEN: Did you

Page 241

1 go to law school?  
 2 THE WITNESS: No. I went to  
 3 medical school.  
 4 SPECIAL MASTER COHEN: That was  
 5 a good question.  
 6 THE WITNESS: Now I'm going to  
 7 law school.  
 8 (Purdue-Sackler Exhibit 27  
 9 marked for identification.)  
 10 QUESTIONS BY MR. HANLY:  
 11 Q. Are you familiar with a company  
 12 called Purdue Pharma, Inc., as opposed to  
 13 Purdue Pharma LP?  
 14 A. Yes. Yes. I think it's the  
 15 general partner of Purdue Pharma LP.  
 16 Q. And --  
 17 A. I'll help you out.  
 18 Q. -- you were a member of the  
 19 board of directors of Purdue Pharma, Inc.,  
 20 correct?  
 21 A. Yes.  
 22 Purdue Pharma LP, doesn't have  
 23 a board of directors. It's an LP. It's a  
 24 partnership.  
 25 (Purdue-Sackler Exhibit 29

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1 marked for identification.)

2 QUESTIONS BY MR. HANLY:

3 Q. Okay. Let me show you a

4 document we've marked as Exhibit 29, which is

5 the -- the cover page --

6 MS. MONAGHAN: Are we up to 29?

7 MS. CONROY: No, I have 28.

8 You'll be getting it in a minute.

9 MS. MONAGHAN: Was there a 27?

10 MS. CONROY: Yes, the pen.

11 MS. MONAGHAN: Oh, the pen is

12 the 27. Got it. Perfect.

13 So this that you're handing is

14 29?

15 MS. CONROY: You'll be getting

16 28 in a minute.

17 MS. MONAGHAN: Okay.

18 QUESTIONS BY MR. HANLY:

19 Q. So 29, Doctor, is -- the cover

20 appears to be an e-mail from Dr. Richard to

21 you and other members of your family.

22 Do you see that?

23 MS. MONAGHAN: Objection.

24 QUESTIONS BY MR. HANLY:

25 Q. It's an e-mail from Dr. Richard

Page 243

1 Sackler to various people, including you,

2 right?

3 MS. MONAGHAN: Objection.

4 QUESTIONS BY MR. HANLY:

5 Q. The first page, Doctor.

6 A. Yeah. Yes.

7 Q. Okay.

8 A. Can I look at it?

9 Q. Yes. Please.

10 I'm going to ask you a question

11 about the first page of the -- of the -- the

12 first page following the e-mail, which is

13 entitled "CEO Considerations."

14 Okay?

15 A. This is all Richard's e-mail?

16 This is one e-mail?

17 Q. Well, if you look at the front,

18 Doctor, it indicates, does it not, that

19 there's attachments -- an attachment called

20 "CEO Considerations," apparently volume 4 or

21 version 4A.doc.

22 Do you see that?

23 A. Yeah.

24 Q. Okay. And the very next

25 numbered page of the document is something

Page 244

1 called CEO Considerations. And I want to ask

2 you about the first -- that first textual

3 page.

4 A. This is 2008.

5 Q. Yes, 2008.

6 And you -- the company was

7 looking for a --

8 A. CEO.

9 Q. -- CEO --

10 A. Yes.

11 Q. -- because Mr. Friedman was

12 gone from the company, correct?

13 A. Yes.

14 Q. After his conviction in 2007?

15 A. He was -- he was -- I don't

16 know the term for it, when you're not allowed

17 to practice -- to work in the industry

18 anymore. I don't --

19 Q. Well, was part of the plea

20 agreement that Mr. Friedman was not to be

21 involved in certain business matters, right?

22 A. Any business matters with

23 Purdue.

24 Q. Okay.

25 A. Or in the industry. He

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1 couldn't work in the industry.

2 Q. So at the time, 2000 --

3 A. He was excommunicated.

4 Q. -- 2008, the company was trying

5 to figure out how to go about acquiring a new

6 CEO, right?

7 MS. MONAGHAN: Objection.

8 THE WITNESS: I mean -- okay.

9 QUESTIONS BY MR. HANLY:

10 Q. Okay. On the first page it

11 references at the very top --

12 A. I wouldn't take this as an

13 expression of the company because this

14 letter -- this e-mail is only to family

15 members. This is a shareholder e-mail. This

16 is not a director's e-mail, and it's not a --

17 and it's certainly not a company e-mail in

18 the sense of management or the board of

19 directors.

20 So --

21 Q. Well --

22 A. -- this is Richard speaking to

23 other family members, I think.

24 Q. About the considerations that

25 needed to be -- or that he thought should

Page 246

1 be --

2 A. I guess.

3 Q. -- considered.

4 A. If he wrote it. But I'll read

5 it.

6 Q. Do you know who Peter Boer is,

7 B-o-e-r?

8 A. Yes.

9 Q. Who's that?

10 A. Peter Boer is a director.

11 Is he on here?

12 Q. Look at the very last page.

13 A. He's not on the -- he's not on

14 the "to's."

15 Q. No, he's not, but look at the

16 very last page of the document, please.

17 A. Okay.

18 Q. Do you see it says Richard

19 Sackler and Peter --

20 A. Oh, yeah, uh-huh.

21 Q. And so he -- was he a Purdue

22 employee at the time?

23 MS. MONAGHAN: Objection.

24 THE WITNESS: A director. A

25 Purdue --

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1 QUESTIONS BY MR. HANLY:

2 Q. Yes.

3 A. -- director.

4 Q. Okay. All right.

5 A. Is he still? Yes, I think he

6 still is a director.

7 Q. Okay. Now, back to the first

8 page of the CEO Considerations. At the top,

9 the second paragraph -- first paragraph is

10 just a few words long. The second paragraph

11 reads, "Our central assumption is that Purdue

12 must be managed for long-term success. While

13 it is very possible that the company can be

14 recapitalized using debt or sold to a

15 strategic buyer, the perception of a sound,

16 long-term plan and effective management will

17 translate into maximizing value for the

18 present owners."

19 Did I read that correctly?

20 A. Uh-huh.

21 Q. Yes?

22 A. Yes.

23 Q. Then two paragraphs down, do

24 you see the paragraph that begins "In the

25 event that"?

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1 A. Uh-huh.

2 Q. Yes?

3 A. Yes.

4 Q. It reads, "In the event that a

5 favorable deal cannot be structured during

6 2008, the most certain way for the owners to

7 diversify their risk is to distribute more

8 free cash flow so they can purchase

9 diversifying assets."

10 Did I read that correctly?

11 A. Yes.

12 Q. And you understand that the

13 owners referenced in that sentence are

14 Sackler family members, right?

15 MS. MONAGHAN: Objection.

16 THE WITNESS: Actually, the

17 Sackler family members aren't the

18 owners, but I guess if you say

19 beneficial owners, that might be more

20 accurate.

21 QUESTIONS BY MR. HANLY:

22 Q. Indirect owners, right?

23 A. Well, beneficial. They're not

24 really the owners. I mean, legally they're

25 not the owners.

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1 Q. Right.

2 But indirectly they're the --

3 they're the owners?

4 A. What does that mean?

5 MS. MONAGHAN: Objection.

6 Asked and answered.

7 THE WITNESS: I don't know what

8 that means.

9 MS. MONAGHAN: She said no.

10 THE WITNESS: I'm not sure what

11 indirect owner means. Is that a legal

12 owner?

13 QUESTIONS BY MR. HANLY:

14 Q. Is -- that's fine.

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

<div data-bbox="251 136 267 1018" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="292 136 852 1018" data-label="Text"><p>[REDACTED]</p></div>	<div data-bbox="893 136 909 1018" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="933 136 1494 1018" data-label="Text"><p>[REDACTED]</p></div>
<div data-bbox="251 1087 267 1969" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="292 1087 852 1969" data-label="Text"><p>[REDACTED]</p></div>	<div data-bbox="893 1087 909 1969" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="933 1087 1494 1969" data-label="Text"><p>[REDACTED]</p></div>



<div data-bbox="251 136 267 1018" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="292 136 860 1018" data-label="Text"><p>[REDACTED]</p></div>	<div data-bbox="896 136 912 1018" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="937 136 1505 1018" data-label="Text"><p>[REDACTED]</p></div>
<div data-bbox="251 1089 267 1971" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="292 1089 860 1971" data-label="Text"><p>[REDACTED]</p></div>	<div data-bbox="896 1089 912 1971" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="937 1089 1505 1971" data-label="Text"><p>[REDACTED]</p></div>



[REDACTED]

[REDACTED]

15 Q. And as you sit here today, you  
16 can't tell us who owns PLP Associates  
17 Holdings LP?  
18 MS. MONAGHAN: Objection.  
19 Asked and answered.  
20 THE WITNESS: I'm not sure who  
21 owns it.  
22 QUESTIONS BY MR. HANLY:  
23 Q. Do you believe PLP Associates  
24 Holdings LP is owned beneficially by the  
25 Sackler family?

[REDACTED]

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1 MS. MONAGHAN: Objection.  
2 THE WITNESS: I think it's  
3 probably owned by trusts.  
4 QUESTIONS BY MR. HANLY:  
5 Q. The Mortimer and Raymond  
6 Sackler trusts?  
7 MS. MONAGHAN: Objection.  
8 THE WITNESS: There's no such  
9 trust. I mean, I don't know the names  
10 of the trusts, but my guess is it's  
11 owned by trusts. I mean, I would  
12 think it's owned by trusts.  
13 QUESTIONS BY MR. HANLY:  
14 Q. Okay. Do you understand that  
15 the Mortimer Sackler trusts own 50 percent  
16 indirectly of the Purdue Pharma entities?  
17 MS. MONAGHAN: Objection.  
18 THE WITNESS: I think it's a  
19 little more complicated than that,  
20 but...  
21 QUESTIONS BY MR. HANLY:  
22 Q. Let me ask this question.  
23 A. Yeah.  
24 Q. Do you -- as you sit here  
25 today, do you know where these distributions

Page 266

1 ended up?

2 Did they stay with this entity

3 called Holdings, or were they retransmitted,

4 redistributed, to other entities?

5 MS. MONAGHAN: Objection.

6 THE WITNESS: Well, if you read

7 this paper you put in front of me, it

8 says -- doesn't it say anything about

9 where they went next? If they went

10 somewhere?

11 QUESTIONS BY MR. HANLY:

12 Q. Well, do you know whether any

13 of these sums distributed between 2008 and

14 2011 made their way into any bank account

15 over which you had control?

16 MS. MONAGHAN: Objection.

17 THE WITNESS: I hope so. I

18 think so.

19 QUESTIONS BY MR. HANLY:

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 QUESTIONS BY MR. HANLY:

10 Q. And just --

11 A. And -- sorry.

12 Q. Just to be clear, the two

13 family partners, to use your term, are the

14 Mortimer Sackler family and the Raymond

15 Sackler family; is that -- is that right?

16 A. What -- I think you have

17 information right here as to --

18 MS. MONAGHAN: Do you know what

19 page you're on?

20 THE WITNESS: Yeah, I'm on --

21 like on page -- I don't have page

22 numbers.

23 MS. MONAGHAN: Look at the

24 bottom right-hand corner. There's a

25 number.

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1 THE WITNESS: Okay.

2 QUESTIONS BY MR. HANLY:

3 Q. Ms. Sackler, if you could

4 answer my question, please. It's quite

5 simple.

6 When you referenced the two

7 family partners -- that's the term you

8 used -- please let me ask my question --

9 you're referencing the Mortimer Sackler

10 family and the descendants of Mortimer

11 Sackler --

12 A. Yeah, I was referencing trusts

13 of the two -- the distributions are

14 distributed to trusts.

15 Q. Yes.

16 A. And so -- and -- is this

17 PPLP --

18 Q. Ms. Sackler --

19 MR. CHEFFO: Dr. Sackler.

20 QUESTIONS BY MR. HANLY:

21 Q. Dr. Sackler, please listen to

22 my question. It's quite simple.

23 When you used the term -- I'm

24 finished with the document, Doctor.

25 Dr. Sackler? When you use the

Page 269

1 term "the two family partners" -- my

2 question's very simple -- you're referencing

3 the Mortimer Sackler family and the Raymond

4 Sackler family; isn't that so?

5 A. When I'm talking about the

6 family partners, I'm talking about the

7 Raymond family and the Mortimer family.

8 Q. Thank you.

9 A. When I'm talking about the

10 shareholders of Purdue -- of Purdue, I'm

11 talking about the trusts.

12 Q. Okay.

13 A. It's different.

14 Q. Thank you --

15 A. I was just trying to be

16 precise.

17 Q. Thank you for that answer.

18 A. Okay.

19 (Purdue-Sackler Exhibit 30

20 marked for identification.)

21 QUESTIONS BY MR. HANLY:

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]



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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
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10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 Q. You don't know what this  
22 Simmons Cooper --  
23 A. No.  
24 Q. -- law firm is?  
25 A. No.

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1 Q. Okay. So you don't know that  
2 that's the law firm that my partner and I are  
3 members of?  
4 A. Oh, I'm terribly sorry. No, I  
5 didn't.  
6 Q. That's quite all right.  
7 A. I thought you were partners of  
8 Hanly --  
9 Q. Simmons Hanly Conroy.  
10 A. Simmons Hanly Conroy. Oh,  
11 that's the same law firm.  
12 But not Cooper. Where's  
13 Cooper? What happened to Cooper?  
14 Q. Now, Dr. Sackler, this amount,  
15 \$75 million --  
16 A. Yes.  
17 Q. -- that's the same amount that  
18 the Sackler family contributed to the  
19 Oklahoma settlement last week, right?  
20 MS. MONAGHAN: Object to the  
21 form.  
22 THE WITNESS: Is there some  
23 meaning in that?  
24 QUESTIONS BY MR. HANLY:  
25 Q. Well, I'm going to ask you.

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1 Am I correct that that's the  
2 amount that the Sackler family --  
3 A. You can probably find ten other  
4 things that cost \$75 million as well. I  
5 never -- okay. Yes, 75 is 75, wherever it  
6 is.  
7 Q. And is 75 million sort of what  
8 we call walking around money for the  
9 Sacklers?  
10 MS. MONAGHAN: Objection.  
11 THE WITNESS: You're being  
12 funny now, right?  
13 QUESTIONS BY MR. HANLY:  
14 Q. No. Is it a sum that you  
15 regard as --  
16 A. That's a huge amount of money,  
17 an enormous amount of money.  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 Q. All right.  
25 A. I can't see the meaning of

Page 274

1 that, but...

2 Q. Are you familiar with --

3 A. You know --

4 Q. Let me ask you a question.

5 There's no question pending, Doctor.

6 A. Okay. Sorry. It's a really

7 funny one, though.

8 Q. Are you familiar with -- with

9 something called Project Tango?

10 A. I wasn't and couldn't remember,

11 didn't remember what it was until I was

12 preparing for this deposition.

13 Q. Okay.

14 A. Now I'm familiar with it.

15 Q. And without discussing with me

16 what you discussed with your lawyers --

17 A. Right.

18 Q. -- do you understand that

19 Project Tango involves the development of a

20 buprenorphine sublingual wafer designed to be

21 administered --

22 A. It's a film, yeah.

23 Q. -- to be administered with

24 respect to the treatment of addiction

25 disorders?

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1 MS. MONAGHAN: Objection.

2 THE WITNESS: Well, what's

3 important, I think, is that it's a --

4 I'll wait for your question.

5 QUESTIONS BY MR. HANLY:

6 Q. Well, I don't think you

7 answered my question.

8 Project Tango involves the

9 development of a buprenorphine sublingual

10 film designed to be administered with respect

11 to the treatment of addiction disorders.

12 MS. MONAGHAN: Objection.

13 QUESTIONS BY MR. HANLY:

14 Q. Isn't that so?

15 A. Yes.

16 Q. All right. And the patent for

17 that invention is -- is -- withdrawn.

18 The inventor of that is

19 Dr. Richard Sackler, right?

20 MS. MONAGHAN: Objection.

21 THE WITNESS: No.

22 QUESTIONS BY MR. HANLY:

23 Q. Does Dr. Sackler -- did

24 Dr. Sackler --

25 A. I didn't know that.

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1 Is that right?

2 Q. Did Dr. Sackler apply for a

3 patent for this invention?

4 MS. MONAGHAN: Objection.

5 Form.

6 THE WITNESS: Are we talking

7 about Project Tango?

8 QUESTIONS BY MR. HANLY:

9 Q. Yes.

10 A. I thought Project Tango was a

11 product development deal the business

12 development management folks brought to the

13 board. I think it came to us from a venture

14 capital group, and they wanted us to develop

15 it and market it, Purdue to develop it and

16 market it. And --

17 Are we on the same page?

18 Q. I don't think so, Doctor.

19 A. Am I confused?

20 Q. Do you -- do you know -- do you

21 know who owns the invention of this

22 buprenorphine sublingual wafer?

23 Do you know who owns it?

24 A. No.

25 Q. Okay. Rhodes Pharmaceutical,

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1 LP, is a company that's owned by the Sackler

2 family, right?

3 MS. MONAGHAN: Objection.

4 THE WITNESS: No, it's owned by

5 trusts.

6 QUESTIONS BY MR. HANLY:

7 Q. Trusts benefitting Sackler

8 family members, right?

9 A. Yes, that's okay.

10 Q. Okay. And you've never seen a

11 patent application for this invention?

12 A. No.

13 MS. MONAGHAN: Objection.

14 What invention?

15 THE WITNESS: What invention?

16 QUESTIONS BY MR. HANLY:

17 Q. For this buprenorphine wafer

18 for drug substitution therapy.

19 MS. MONAGHAN: Objection.

20 And is it -- are you

21 representing to her that that is the

22 product underlying Tango, or are you

23 now asking a separate set of questions

24 from Tango?

25 MR. HANLY: I'm asking the

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1 questions that I'm asking.  
 2 THE WITNESS: I'm quite -- what  
 3 you're saying is very confusing  
 4 because that was not my understanding  
 5 of what Tango was, or is. So I'm  
 6 confused.  
 7 QUESTIONS BY MR. HANLY:  
 8 Q. Okay.  
 9 A. No, I didn't know anything  
 10 about Richard's association with that  
 11 product, if that's true.  
 12 Q. Howard Udell is deceased; is  
 13 that correct?  
 14 A. Yes.  
 15 Q. But prior to his death, did he  
 16 not receive a departure bonus upon retiring  
 17 from the Purdue companies?  
 18 MR. CHEFFO: Objection.  
 19 MS. MONAGHAN: Objection.  
 20 THE WITNESS: I know that he  
 21 received indemnification money to pay  
 22 the fine that he was fined.  
 23 QUESTIONS BY MR. HANLY:  
 24 Q. So he was reimbursed in some  
 25 fashion for the fine that was part of the

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1 plea agreement?  
 2 A. That was contractual, that the  
 3 company would provide indemnification --  
 4 provide indemnification.  
 5 Q. In addition to the  
 6 indemnification, are you aware -- do you know  
 7 one way or the other whether Mr. Udell  
 8 received a \$5 million bonus upon the occasion  
 9 of his retirement?  
 10 A. I don't recall, no.  
 11 Q. Do you know what Mr. Friedman  
 12 received, if anything, upon his departure  
 13 from the employment of Purdue?  
 14 MS. MONAGHAN: Objection.  
 15 THE WITNESS: Also  
 16 indemnification. The indemnification  
 17 for the senior executives at Purdue  
 18 was contractual, and it went to the  
 19 three individuals who were fined, who  
 20 took the responsibility and were fined  
 21 and -- but who hadn't, in and of  
 22 themselves, committed any wrongdoing.  
 23 They were taking  
 24 responsibility, is the way I  
 25 understood it, for the company,

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1 because within the company there were  
 2 behaviors and communications and some  
 3 marketing that was outside of the  
 4 label and was not correct and should  
 5 not have occurred.  
 6 QUESTIONS BY MR. HANLY:  
 7 Q. But you understand that  
 8 Mr. Friedman, Dr. Goldenheim and Mr. Udell  
 9 all pleaded guilty to the federal crime of  
 10 misbranding?  
 11 MS. MONAGHAN: Object to the  
 12 form.  
 13 THE WITNESS: I think it was a  
 14 misdemeanor, right? Is that right?  
 15 QUESTIONS BY MR. HANLY:  
 16 Q. Well, wasn't the crime  
 17 misbranding?  
 18 MS. MONAGHAN: Objection.  
 19 THE WITNESS: I think the --  
 20 MS. MONAGHAN: The crime to  
 21 which the three individuals pled; is  
 22 that your question?  
 23 MR. HANLY: Yes.  
 24 QUESTIONS BY MR. HANLY:  
 25 Q. You can answer.

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1 A. The crime to which the three  
 2 individuals pled, I was told it was a  
 3 misdemeanor, which is a felony. Kind of a --  
 4 which is a felony, so it is a crime. And  
 5 that they -- that that was -- that's how they  
 6 took responsibility for the wrongdoing,  
 7 mistakes of the company.  
 8 Q. In addition to the indemnity  
 9 amounts that you testified to, did  
 10 Mr. Friedman receive a bonus of \$2 million  
 11 for the year 2006?  
 12 MS. MONAGHAN: Objection.  
 13 Form.  
 14 THE WITNESS: I don't know. I  
 15 don't recall.  
 16 MR. HANLY: Dr. Sackler, until  
 17 we meet again.  
 18 THE WITNESS: That's it? I'm  
 19 released?  
 20 MR. HANLY: That's all I have.  
 21 That's all I'm entitled to.  
 22 THE WITNESS: Yeah.  
 23 MR. CHEFFO: Thank you.  
 24 MS. MONAGHAN: Thank you.  
 25 THE WITNESS: We all have to

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1 live by the rules.  
 2 VIDEOGRAPHER: Are we done?  
 3 Should I go off the record?  
 4 MS. MONAGHAN: Yes, we're going  
 5 off the record.  
 6 VIDEOGRAPHER: Okay. This  
 7 marks the end of today's deposition.  
 8 The time is 5:32 p.m.  
 9 (Deposition concluded at 5:32 p.m.)  
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1 CERTIFICATE  
 2  
 3 I, CARRIE A. CAMPBELL, Registered  
 4 Diplomate Reporter, Certified Realtime  
 5 Reporter and Certified Shorthand Reporter, do  
 6 hereby certify that prior to the commencement  
 7 of the examination, Kathe A. Sackler, M.D., was  
 8 duly sworn by me to testify to the truth, the  
 9 whole truth and nothing but the truth.  
 10 I DO FURTHER CERTIFY that the  
 11 foregoing is a verbatim transcript of the  
 12 testimony as taken stenographically by and  
 13 before me at the time, place and on the date  
 14 hereinbefore set forth, to the best of my  
 15 ability.  
 16 I DO FURTHER CERTIFY that I am  
 17 neither a relative nor employee nor attorney  
 18 nor counsel of any of the parties to this  
 19 action, and that I am neither a relative nor  
 20 employee of such attorney or counsel, and  
 21 that I am not financially interested in the  
 22 action.  
 23  
 24 CARRIE A. CAMPBELL,  
 25 NCRA Registered Diplomate Reporter  
 Certified Realtime Reporter  
 Notary Public  
 Dated: April 4, 2019

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1 INSTRUCTIONS TO WITNESS  
 2  
 3 Please read your deposition over  
 4 carefully and make any necessary corrections.  
 5 You should state the reason in the  
 6 appropriate space on the errata sheet for any  
 7 corrections that are made.  
 8 After doing so, please sign the  
 9 errata sheet and date it. You are signing  
 10 same subject to the changes you have noted on  
 11 the errata sheet, which will be attached to  
 12 your deposition.  
 13 It is imperative that you return  
 14 the original errata sheet to the deposing  
 15 attorney within thirty (30) days of receipt  
 16 of the deposition transcript by you. If you  
 17 fail to do so, the deposition transcript may  
 18 be deemed to be accurate and may be used in  
 19 court.  
 20  
 21  
 22  
 23  
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1 ACKNOWLEDGMENT OF DEPONENT  
 2  
 3  
 4 I, \_\_\_\_\_, do  
 5 hereby certify that I have read the foregoing  
 6 pages and that the same is a correct  
 7 transcription of the answers given by me to  
 8 the questions therein propounded, except for  
 9 the corrections or changes in form or  
 10 substance, if any, noted in the attached  
 11 Errata Sheet.  
 12  
 13 \_\_\_\_\_  
 14 Kathe A. Sackler, M.D. DATE  
 15  
 16 Subscribed and sworn to before me this  
 17 \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
 18 My commission expires: \_\_\_\_\_  
 19 Notary Public  
 20  
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 22  
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